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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

JOHN GILBERT, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 APC NATCHIQ, INC., )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. 3:03-CV-00174-RRB

**DEPOSITION OF JOHN D. GILBERT**  
**June 7, 2006**

APPEARANCES:

**M E T R O C O U R T R E P O R T I N G**

745 West Fourth Avenue, Suite 425

Anchorage, Alaska 99501

(907) 276-3876

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8   & Zobel, P.C.  
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12    (907) 279-9574

13           ALSO PRESENT:           **MR. DOUGLAS SMITH**

14   \* \* \* \*

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PURSUANT TO NOTICE, the Deposition of JOHN D. GILBERT was taken on behalf of the Defendant before Cheri Tabor, Notary Public in and for the State of Alaska and Reporter for Metro Court Reporting, at DeLisio Moran Geraghty & Zobel, P.C., 943 West 6th Avenue, Anchorage, Alaska 99501, on the 31st day of May 2006, commencing at the hour of 9:07 a.m.

\* \* \* \*

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1 P R O C E E D I N G S

2 (On record)

3 COURT REPORTER: My name is Cheri Tabor and I'm  
4 a court reporter for Metro Court Reporting in Anchorage,  
5 Alaska. Today's date is May 31, 2006, and the time is  
6 approximately 9:07 a.m. We are at the offices of DeLisio Moran  
7 Geraghty & Zobel, P.C., 943 West 6th Avenue, Anchorage, Alaska  
8 99501 for the deposition of John Gilbert. This case is in the  
9 United States District Court for the District of Alaska, in the  
10 matter of Gilbert v. APC, Case No. 3:03-CV-00174 RRB.

11 Mr. Gilbert, would you please raise your right hand?

12 (Oath administered)

13 MR. GILBERT: I do.

14 JOHN D. GILBERT

15 Having first been duly sworn under Oath, testified as follows  
16 examination:

17 COURT REPORTER: Thank you. Please state your  
18 full name and spell your last name for the record.

19 A9 John D. Gilbert, G-i-l-b-e-r-t.

20 COURT REPORTER: May I please have your mailing  
21 address?

22 A2 3291 East 500 North in Lewisville, Idaho 83431.

23 COURT REPORTER: Okay. And I also need a  
24 daytime or message telephone number for you.

25 A5 208-754-4098.

COURT REPORTER: All right. Thank you.

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Counsel would you please identify yourselves and who you represent?

3 MR. COVELL: Kenneth Covell for Mr. Gilbert.

4 MS. ZOBEL: And I'm Patricia Zobel here on behalf of APC Natchiq and Doug Smith who is a representative of the company is present.

7 COURT REPORTER: All right. Thank you. You may proceed.

9 **DIRECT EXAMINATION**

~~BY~~ MS. ZOBEL:

Q1 Yes, Mr. Gilbert, good morning.

A2 Good morning.

Q3 We're going to be doing a series of questions regarding your claim for wage and hour. You understand that's the purpose for you being here today, do you not?

A6 Correct.

Q7 Okay. The court reporter started to give you a bunch of what I call rules of the road and I'll do those myself here on the record and if she wants to add any I would invite her to do so. The first is that she is recording that which you respond to my questions so you must be sure that your answers are audible, that you answer verbally. Nodding doesn't pick up on the tape recording, do you understand that?

A5 Yes, I do.

Q Okay, good. To the extent that you're able to answer

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1 yes or no, please do so as opposed to uh-huh or unh-  
2 unh. Those can be misunderstood when they are  
3 transcribed as to whether it was affirmative or  
4 negative.

A Very good.

Q Okay. Also I'm not asking you to guess. To the extent  
7 that you recall, please answer my questions. If you  
8 have a question about the question I'm asking you, if  
9 you don't understand, tell me so. I will repeat it, or  
10 I will try and break it down so that it's easier for  
11 you to answer. All right?

A2 Very good.

Q3 All right. If you want to break let me know, and we'll  
14 take a break. Your counsel is present, you have the  
15 right to discuss questions with counsel before  
16 answering, however, I will note it for the record that  
17 you are leaving to discuss with counsel before you  
18 answer a particular question. And that's in the record  
19 for whatever it's worth. But we will take breaks if  
20 you'd like to do so, and just let me know.

A1 Okay.

Q2 I'm not trying to make this a marathon. That's one of  
23 the differences when you have a woman doing it.

24 MS. ZOBEL: Yes, counsel, you look like you  
have a question.

MR. COVELL: One other thing, she might ask you  
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3 a question and I might object. Okay? At that point, wait  
4 until I state my objection and as a general proposition,  
5 whether or not I object, you still have to answer the question.  
6 I may -- I doubt it, but I may direct you not to answer the  
7 question. If we do then, she and I might have a conversation  
8 on the record. But.....

9 A Okay.

10 MR. COVELL: You just wait until we get done,  
11 and then you can look at either of us, and probably one of us  
12 will say go and answer the question.

13 MS. ZOBEL: Go ahead and answer the question,  
14 yes.

15 Q3 (By Ms. Zobel) The most important rule is that we do  
16 not talk on top of each other. I will try to give you  
17 the courtesy of allowing you to complete your answer  
18 before I ask my next question. And if you will not  
19 anticipate what I'm asking you, but will let me finish  
20 the question, we will get a question answer, question  
21 answer and the record will be far easier to understand  
22 and the court reporter will thank us at the end of the  
23 day.

24 A2 Okay.

25 Q3 All right. Before we begin do you have any questions?

26 A4 No, I have no questions.

27 Q5 All right. Do you feel competent to go through this  
28 deposition today?

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A Yes, I do.

Q And you've not taken any substances that would affect  
3 your ability to understand or answer my questions?

A No, I have not.

Q All right. Mr. Gilbert, your full name, could you give  
6 that again for the record?

A John David Gilbert.

Q And you've already given us your address, how long have  
9 you lived in Lewisville, Idaho?

A0 Approximately two years.

Q1 And your date of birth?

A2 12/07 of 1963.

Q3 And your Social Security Number?

A4 [REDACTED]

Q5 And are you married?

A6 Yes, I am.

Q7 And do you have dependents?

A8 Yes, I do.

Q9 How many?

A0 Two.

Q1 Okay. And this is a test, what was the date of your  
22 marriage?

A3 That is a test. I was married in 2000 -- July 15th of  
24 2000.

Q5 Okay. I'm going to show you your resume which may make  
this simpler to deal with. Somehow we've ended up with

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1 one page of three. Excuse me counsel.

2 (Off record)

3 (On record)

4 MR. COVELL: I can just look over his shoulder.

5 MS. ZOBEL: Actually what the problem is I have  
6 page one, two and three I do not have.

7 MR. COVELL: Okay. Let's give this to the  
8 court reporter, she can go ahead and mark that section.

9 (Deposition Exhibit G-1 marked)

10 (By Ms. Zobel) Mr. Gilbert you graduated from high  
11 school, correct?

12 A2 Yes, I did.

13 Q3 What year?

14 A4 1982.

15 Q5 And you received a high school diploma?

16 A6 Yes.

17 Q7 And where was that?

18 A8 That was at Cortez High School in Phoenix, Arizona.

19 Q9 And according to this page --

20 MS. ZOBEL: Have you marked the first sheet?

21 COURT REPORTER: Yes.

22 MS. ZOBEL: You may keep the second sheet.

23 COURT REPORTER: All right.

24 MS. ZOBEL: Just for reference. I'm going to

25 show you what's been marked as Exhibit 1, it's the first page

of three that will be Exhibit 1 and G-1 I believe is the way we

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have agreed to do these.

2 COURT REPORTER: Yes.

3 MR. COVELL: Right.

4 COURT REPORTER: Thank you.

5 MS. ZOBEL: Here are the pages, Doug.

6 (By Ms. Zobel) According to page one, you attended  
7 Montana Tech -- let's see Glendale Community College  
8 first, correct?

9 A Correct.

10 Q And eventually you received your B.S. in Environmental  
11 Engineering in 1994?

12 A Correct.

13 Q And that was from where?

14 A That's Montana College of Mineral Science and  
15 Technology.

16 Q Okay. And then you received a Masters, is that from  
17 the same school, or is that.....

18 A That's correct, it's the same school. They just had a  
19 name change. It's formally known as the Montana School  
20 of Mines.

21 Q Okay.

22 MS. ZOBEL: Let's stop for one second. We do  
not need to have page two and three separately marked. We just  
want to be sure everybody now has three pages, and they should  
be marked at the bottom APC0013 through -- or 12, 13, and 14.  
Okay.

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1 Okay.

2 MS. ZOBEL: And I'll get us a stapler at a  
break. Okay. Having had our first snafu, we can now move on  
4 hopefully.

5 (By Ms. Zobel) John this was what you gave to APC.

6 Have you an updated CV with you maybe?

7 I do not have an updated one with me. I do have an  
8 updated version, I just don't have one with me.

9 And this would have ended with your job prior to going  
10 to work at APC, is that correct?

11 Correct.

12 And that was -- can you pronounce the mining company  
13 for me?

14 Hecla.....

15 Hecla.

16 .....Mining Company.

17 Okay. Tell me what you did with Hecla?

18 I was basically a mine engineer for the company and  
19 primarily taking care of reclamation of the closed down  
20 gold mine and in addition to that I took care of the  
21 overall health and safety responsibilities for the  
22 employees at the mine.

23 Okay. In addition to the degrees that you have listed,  
24 on the last page, page 14, you have specialized  
25 training.....

A Uh-huh (affirmative).

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Q .....that is listed?

A Uh-huh (affirmative).

Q And you have certifications in a number of different  
4 areas. Could you, just for the record, tell us what  
5 the certifications are? Professional certifications --  
6 I don't want just the training you've had, I want the  
7 actual certifications.

A I actually have no professional certifications. I have  
9 -- was pursuing my CSP and have since stopped pursuing  
10 it.

Q1 Okay.

A2 I have no professional certifications whatsoever.

Q3 All right. In pursuing your certification as a  
14 certified safety professional, how many hours do you  
15 think you've put in?

A6 Not many. Eighty.

Q7 Okay.

A8 A couple of weeks.

Q9 Okay. And was that classroom?

A0 No.

Q1 What was it?

A2 Self-study.

Q3 What would you have to do to complete that?

A4 Oh, give them a bunch more money now that my first go  
25 around has expired and then start studying again.

Probably put in half a year maybe, I don't know what it

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1 would take now. It would take considerable effort.

Q Okay. And looking at your education and background,  
3 the AAS in quality control technology, explain to me  
4 what that is?

A That's a two-year associates degree in quality control  
6 technology. And, basically, there was a time in my  
7 life I thought I was going to be building missiles for  
8 the military, I was going to be a quality inspector for  
9 them and changed direction.

Q And the direction you changed was what?

A Into environmental engineering on the civil side.

Q Tell me what is entitled (ph) in environmental  
13 engineering and don't just say environmental  
14 engineering, tell me what that is?

A Environmental engineering is primarily as perceived as  
16 cleaning up air, water, soil, chemicals, spills of any  
17 nature. Primarily, my focus was acid rock drainage in  
18 the mining industry which is the natural development of  
19 sulfite and acidic waters from sulfite materials.

Q Okay. In that course of study did you have courses  
21 that would train you in monitoring air, water, et  
22 cetera?

A Yes, I did.

Q Okay. And how about any kind of courses in chemistry  
25 that would allow you to understand the significance of  
the testing that you would be doing?

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A Yes, I took chemistry courses.

Q Okay. And do you think that's translatable into the kind of work that you were doing as a specialist -- as a specialist at APC?

A Yes. The school I went to, Montana Tech, also has one of the better safety programs around. And the education you get in the environmental field and the safety field is pretty much hand in hand up until about the beginning or the middle of your third year, at which time you break off. So the chemistry courses for environmental engineering and the chemistry courses for the safety program are -- are pretty much identical up to that point. So, yes, is the answer to your question.

Q5 So they're applicable then?

A6 They're applicable.

Q7 Right. Within the course of study that you did, in your undergraduate degree, what percentage of them would have been associated with safety training -- safety monitoring, safety training, things that you feel were applicable to your safety specialist job or your safety supervisor job?

A3 Just the general courses would be applicable. In other words, general chemistry, general math, general physics. On the high end there may have been some air monitoring courses that I took that would be

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1 applicable.

Q Okay.

A Although, on the environmental side, it's typically engross. In other words, you're sampling for the masses and not for a single individual that you would sample for in the safety specialist position.

Q Okay. And at Montana tech, your M.S., your emphasis was -- it says mineral waste treatment emphasis?

A Engineering.

Q Or in mine, I see.

A Mine and mineral waste treatment emphasis.

Q Okay.

A And that was again to become more specialized in the cleanup of acid rock drainage, mining solutions.

Q What brought you to the Slope since you were a mine guy?

A I got a call from a friend of mine that worked up there and they were looking for an individual to come up and it was a place I'd always wanted to work, and just visit, and go to. So the opportunity presented itself and I went.

Q Okay. In terms of your M.S., how long did it take you to get it?

A Eighteen months.

Q And within that particular program do you have to do a thesis?

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A I chose the non-thesis route.

Q And do you have to do any kind of testing or anything  
3 in order -- orals -- to get the degree?

A Yes. Oh, yes.

Q And what did those entail? What were the areas?

A It was all mining related.

Q Okay.

A And I think I had a week's worth of oral boards and  
9 some high level testing.

Q10 Was any of it safety related?

A11 No.

Q12 Now, within the safety field what, if any, training  
13 have you had that would be specialized towards safety?

A14 The only specialized training I really had is probably  
15 the 40-hour HAZWOPER class, the 8-hour HAZWOPER, I  
16 think they still call it the HAZWOP supervisor class,  
17 safety related in the mining industry is the MSHA  
18 training. It's an annual certification. I've had --  
19 these are all, you know, one week or less classes. I  
20 also have a 30-hour OSHA course.

Q1 Okay. Is it under the most recent or under the prior  
22 version of OSHA?

A23 That's the most recent version.

Q24 It changed in 2002, so did you have training in both?

A25 It was -- it was prior or excuse me post-2002.

Q Okay. And that was specific to your job as a safety

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1 supervisor?

A Even though I'm not necessarily.....

Q Well you were employed during that time?

A Yes, I was employed during that time.

Q With APC?

A With APC, yes. I think that's the class Doug sent me  
7 to.

Q Okay.

A In Anchorage.

Q0 All right. What is radiological worker one and two?

A1 Those are classes that allow you to go to work in a  
12 radiological area such as, you know, some of the  
13 national labs. Like where I currently work you have to  
14 have radiological one and radiological two training in  
15 order to work there.

Q6 And the training teaches you safety and how to deal  
17 with it?

A8 Correct.

Q9 Okay. And you had that.....

A0 Evacuation procedures and so forth.

Q1 And Geoprobe, what is that?

A2 That's just a small drilling rig. It allows you to do  
23 subsurface sampling of soil and water. It's a tract  
24 drilling rig is all it is.

Q5 Okay. At the time that you came to work with APC as a  
safety specialist, which would have been back in

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1 January of '01, did you believe that you had the  
2 qualifications to work as a safety specialist as  
3 described by APC?

4 I did after they hired me. Yes -- yes, I did.

5 Okay. Did you feel competent in carrying out the job  
6 in a safe and competent and professional manner?

7 Yes.

8 Okay. And you feel that you had had the prior  
9 training, or they provided you with the training  
10 necessary in order to do that?

11 I felt that I probably had enough background to do it  
12 from my previous jobs.

13 Okay. How about the safety supervisor position after  
14 working for APC and with your background, did you  
15 believe that you had the background and education to be  
16 able to carry out the responsibilities of that  
17 position?

18 Yes. I don't believe that the responsibilities of that  
19 position were any different than the responsibilities  
20 of the safety specialist.

21 Okay. Do you think it's the same job?

22 Pretty close. Yes, any of the safety specialists could  
23 have done the same job that I was doing as the safety  
24 supervisor. And, in fact, we did at times rotate  
25 through and other guys filled in. So I think it was  
just an equal level job with maybe a few more caveats

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1 thrown in.

Q Why do you think you were paid over \$100.00 a day more?

A That, I don't know. I think I was doing a good job for  
4 them. I don't know why they paid me \$100.00 more a  
5 day.

Q You didn't mind did you?

A Heck, no.

Q Okay. Do you believe that in carrying out your  
9 position as a safety supervisor that you used your  
10 education and background and training?

A1 Not in the engineering side I didn't.

Q2 Okay.

A3 In fact, I used my background from the safety work that  
14 I had done previously, for sure.

Q5 Okay. How many years of education would you estimate  
16 that you have?

A7 Too many. I have probably, let's see, at least I'd say  
18 nine years.

Q9 Of upper education?

A0 Correct.

Q1 After high school?

A2 Yes.

Q3 So if we add 12 to that, you've got 21 years?

A4 A lot.

Q5 And how many years do you estimate that prior to going  
to work for APC you had been working in positions that

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1 had some responsibilities regarding safety?

A Those would have started in 1995 with PDC Engineers.

Q Looking at the job before '95 with Westinghouse, that  
4 looks like you're doing some sort of testing, were you  
5 not? Water, corrosion, inspection of water stored  
6 nuclear fuel.

A Uh-huh (affirmative).

Q Is that a health and safety issue?

A No.

Q0 All right. How about the internship that you did, set  
11 up a chemical inventory report for hazardous  
12 substances?

A3 No.

Q4 That's not a safety issue?

A5 No, it's not.

Q6 Is that knowledge though that's important for somebody  
17 in safety to know in terms of hazardous substances --  
18 an inventory?

A9 Oh, yes. Definitely.

Q0 Okay. So that's applicable to the work that you  
21 subsequently did?

A2 Well in this particular case it was all environmentally  
23 related strictly for the CERCLA and RECLA subsections,  
24 and I had no interaction with the safety department at  
25 the mine.

Q Okay. Beginning in '95 you did -- in your jobs you did

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1 have contact and interface with health and safety?

A Yes, strictly from the standpoint we had guess working  
2 out in the field. So we had to go out and, you know,  
3 apply the OSHA regulations to the guys doing the  
4 construction out there. So we just assisted in that.  
5

6 It was a small group of guys. So there was several of  
7 us that were out there, you know, taking part in that.

Q That's the PDC Engineers group that you're specifically  
8 talking about?  
9

A10 Correct.

Q11 Now with Aspen Creek, it says that you did water system  
12 design, water sampling and analysis. You did  
13 permitting and control system design, industrial  
14 ventilation design, water and soil remediation, all of  
15 that has to do, or does it not, with sampling and being  
16 aware of what is present in the environment and setting  
17 up a system to contain it?

A18 Correct.

Q19 Okay. And that would also be applicable to the work  
20 that you would do as a safety supervisor, would it not?

A21 Not in this case, it would not. This was all directly  
22 related to pollution control and reclamation, soil  
23 stability. I'm trying to remember which design I did  
24 for the ventilation system, but it's not coming back to  
25 me right now.

Q Well the department you worked in was Health, Safety

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1 and Environment, correct?

A Correct.

Q And they were within your concerns over spills, were  
4 there not?

A Yes.

Q And there were concerns over leaks of chemicals into  
7 the atmosphere, correct?

A Yes.

Q H2O, for example, or hydrogen sulfite, things of that  
10 nature?

A1 Yes.

Q2 Okay. Now, in looking at and monitoring the  
13 environmental repercussions and the responsibilities  
14 you had in this Aspen Creek, if not directly the same,  
15 would they not be parallel? The kind of experience  
16 that you would find helpful in.....

A7 I guess there's some generic knowledge there that could  
18 pass through with, you know, with everything so --

Q9 Okay. And familiarity with environmental requirements,  
20 reading the CFR, knowing what the federal and state  
21 requirements are, that sort of experience?

A2 Yes.

Q3 All of that was entailed in this, and important in the  
24 job you subsequently had?

A5 Yes.

Q How about with Cypress-Amax Gold? Either one of the

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1 two jobs that you had with them, environmental  
2 specialist and then you were a mine engineer? Again,  
3 are there parallels or specifics within those jobs that  
4 you believe would have been important or applicable to  
5 the job that you did as either a specialist or  
6 supervisor for APC?

7 I think again there's generic items that pass through  
8 all of these positions that I've had since I got out of  
9 school that would assist me in doing a safety position  
10 type job.

Q1 Okay. For example, it says you maintained and  
12 developed special environmental programs and permits,  
13 you've set up environmental programs within or a  
14 specialized safety programs within APC, did you not, as  
15 a supervisor?

A6 I don't know quite what you mean by specialized safety  
17 programs. The programs that we had in place at APC  
18 were fairly nonexistent when -- when I first got there  
19 in 2001 and by the time I left they were coming  
20 together. But, again, they're just a reiteration of  
21 the -- of the OSHA standards kind of custom fit for the  
22 work that's done up on the North Slope.

Q3 And you were involved in putting together those  
24 programs -- pulling them together, is that correct?

A5 Yes.

Q Okay. And that was part of your job?

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A Yes.

Q Yes. Was it a large part of your job?

A Towards the end there I spent some considerable time on  
4 it. I think we all did. It was unfinished when I  
5 left, but it was a pretty good chunk of the work, yes.

Q Okay.

A We all devoted quite a bit of time to getting the  
8 regulations put together or the rules and regulations  
9 put together.

Q To be in compliance with the federal standards and  
11 state, OSHA, et cetera?

A Yes, to be more in compliance. I think you're always  
13 striving to be as compliant as you can be.

Q Okay. And what about this job, MSE Technology  
15 Applications? You did project management there,  
16 correct?

A Uh-huh (affirmative).

Q And that would be applicable to the work that you did  
19 at APC?

A No, not necessarily. Most of the work I did for MSE  
21 was with the EPA's mine waste treatment group. And it  
22 had to do strictly with the reclamation of abandoned  
23 work environment.

Q Okay. But I'm thinking you described yourself as doing  
25 project management, and I'm just talking that  
terminology that would be involved generically in the

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1 kind of work that you did for APC, would it not?

2 I don't think you can relate anything I did with MSE to  
3 what I did with APC.

Q Okay. And why is that?

A Just two totally different jobs.

Q Because of the nature of the industry or the nature of  
7 the subject matter?

A Both, yes.

Q Okay. Now in your job with HECLA it looks like you had  
10 a health and safety responsibility?

A1 Yes.

Q2 Describe that for me.

A3 Basically, put together health and safety procedure for  
14 the 30-some odd employees we had working at the mine --  
15 at the mine, and since it didn't exist before I got  
16 there put that together. And then just basically  
17 developed a mine plan if you will for the employees to  
18 become in compliance with OSHA standards.

Q9 Okay.

A0 It's shut down since -- we were rolling from an  
21 operating mine which would have been under MSHA rule,  
22 to a reclaimed mine which is under OSHA rules.

Q3 Okay. And that's similar to some of the  
24 responsibilities you had with APC?

A5 Yes.

Q Okay. Have you considered health, safety and

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1 environment a profession?

A Yes.

Q And does it require specialized training?

A Yes.

Q And specialized knowledge?

A Yes.

Q And the kind of work that you were doing, both as a  
8 specialist and as a supervisor, did it require  
9 experience and use of your education?

A Yes.

Q And that education, is it specialized? I mean is that  
12 something that I could walk out and do? I have a  
13 different kind of specialized education, correct?

A I guess, the answer is you'd have to have specialized  
15 training, but anybody can get specialized training.

Q Some people are more fit for certain kinds of things  
17 than others.

A Right.

Q Was part of your job to interpret complex data --  
20 testing data?

21 MR. COVELL: Excuse me, I've got to object as  
22 when and where he's doing that.

Q (By Ms. Zobel) As a safety supervisor was part of your  
24 job to interpret complex data?

A I'm not sure I would call it complex, but we did  
interpret data.

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Q Okay. From testing that was done in the field?

A Yes.

Q And if you were wrong in your interpretation, could  
4 that result in a health threat?

A Yes.

Q And if you misinterpreted that could it lead to  
7 somebody's death?

A You hope not. You hope you have enough procedures in  
9 place that by the time you're sampling that -- I would  
10 have to say no, it cannot lead to somebody's death.

Q1 Well if you were wrong though in your interpretation of  
12 the data?

A3 You wouldn't let it get to that point.

Q4 Okay. You would have all kinds of systems in place to  
15 prevent it getting to the point where it would threaten  
16 somebody?

A7 Yes, there's administrative engineering and -- and PPE  
18 criteria that you always put in place before you get to  
19 that stage.

Q0 And PPE being personal protective equipment?

A1 Correct, yes.

Q2 And, but all of that as a whole, all of those different  
23 PPE criteria, the different standards that are put in,  
24 for example, for how to do a confined space issue, all  
25 of those particular requirements are steps that are put  
in and drawn up by health and safety, correct?

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A They're provided to you in the -- in the CFR standards.

Q Okay. Was part of your responsibility though to see  
3 that they were carrying those out?

A Yes.

Q Within the different areas?

A Yes.

Q Okay. And having the requirement of carrying out those  
8 kinds of activities, that carries with it  
9 responsibilities for people, does it not?

A10 Can you explain that to me?

Q11 Yes, that was a backwards question. I'm sorry. The  
12 job had responsibilities for people's health and safety  
13 and to make sure that people were operating safely,  
14 correct?

A15 Correct.

Q16 Okay. And if you were wrong in the way that you  
17 interpreted something, or the data, that responsibility  
18 and somebody were injured, that responsibility would  
19 come back to you?

A20 I suppose if a person in a safety field made a gross  
21 error then yes, you could be responsible for somebody's  
22 injury or illness or what have you.

Q23 Okay. And within the job you had to take CFR's and  
24 OSHA requirements and you had to translate what's on  
25 paper requirements into actual programs as to how they  
would be performed in the field?

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A I would say that we took what was written in the CFR's  
2 and implemented those words into the field.

Q Okay. And sometimes that took translation?

A Of course, yes.

Q And that's the kind of work that you were doing when  
6 you were a safety supervisor, is that correct?

A A safety supervisor or a safety specialist, they were  
8 one in the same there.

Q Okay.

A10 Using the CFR's the same way so --

Q11 And you were required to exercise your own judgment as  
12 to what those meant?

A13 I don't know what you mean by exercise my own judgment  
14 as to what they meant. I mean.....

Q15 Well you used.....

A16 .....they're laid out in the CFR's so you just  
17 basically read them and --

Q18 Interpret them.

A19 Interpret them I suppose, yes.

Q20 All right. And the way in which they applied though to  
21 that particular situation you were using your judgment  
22 as to how they would best be implemented in the field?

A23 Yes, you want to make sure you're trying to implement  
24 them as they're written.

Q25 Okay. And within the job that you had as to -- let me  
rephrase that. You had responsibilities also to train

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1 other people who did have your level of expertise and  
2 in understanding the health and safety  
3 responsibilities?

4 Yes and no I suppose. We had a training department if  
5 that's what you mean. Other employees -- we had a  
6 training department that would provide training and at  
7 times I assist them because I would fill in for those  
8 guys providing general safety training to the  
9 employees. I don't know if I gave any specific  
10 training to any of the safety specialists.

Q1 Okay.

A2 If that's what you're asking, I'm not sure.

Q3 Well that -- how about lay people? Did you do any of  
14 the training at all, outside of the training  
15 department? Do you train the trainers, for example?

A6 No. No.

Q7 Okay. Did you help determine what the trainers would  
18 be training?

A9 (No audible answer)

Q0 Does that make sense?

A1 I think I understand.

Q2 Were you setting part of the agenda that the trainers  
23 would follow?

A4 Not necessarily, no.

Q5 Okay. Did you work in coordination with those people  
in determining what training programs were needed?

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A The training programs were pretty much laid out when I  
2 got there, so I -- I'm trying to recall if there any  
3 significant changes in the training programs and I  
4 guess I would have to say no, there were no significant  
5 changes in the training programs.

Q Okay.

A After I arrived so --

Q Okay. I'm going to show you what we previously  
9 produced as APC0041. And this is a copy of the safety  
10 supervisor description, have you seen that before?

A1 I don't know if I've seen this before or not.

Q2 Okay. Does that sound like your job?

A3 Yes, it generally does.

Q4 All right.

15 MS. ZOBEL: That's been marked as Exhibit what?

16 (Deposition Exhibit G-2 marked)

17 COURT REPORTER: G-2.

18 MS. ZOBEL: All right. Exhibit G-2.

Q9 (By Ms. Zobel) Now within this it says, for example,  
20 you have the -- now it does say you have oversight of  
21 training functions. Health, safety, environment and  
22 training functions. But you say the training program  
23 is pretty much in effect and humming along?

A4 Yes.

Q5 Okay. So you didn't have to do a lot of tweaking  
there?

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A No.

Q Now it says you have development of site specific  
3 policy and procedures, was that correct?

A Let me catch up to you here.

Q I'm sorry. I'm leaping ahead of you.

6 MR. COVELL: Last sentence of the second  
paragraph there.

Q (By Ms. Zobel) Responsibilities include.....

A Oh, okay.

Q0 Let's just take the whole paragraph or that sentence.  
11 Let's start at the beginning of that paragraph.

A2 Okay.

Q3 Safety supervisor provides consultation to both  
14 construction and maintenance operations, was that  
15 correct?

A6 Yes.

Q7 Okay. Regarding compliance, company policies and safe  
18 work practices?

A9 Yes.

Q0 Okay. And it says responsibilities include supervision  
21 of six safety specialists?

A2 Yes, there was six safety specialists working there.

Q3 And you had the responsibility to supervise them?

A4 Yes, it's a gray area in my opinion, but -- yes.

Q5 Okay. Development of site specific polices and  
procedures?

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A Yes, we all did that.

Q And risk assessments?

A Yes.

Q Incident investigations?

A Yes.

Q Audits and monitoring of ongoing activities?

A Yes, I'm not quite sure what that means.

Q For example, the activities of safety specialists, were  
9 you auditing and monitoring ongoing activities by  
10 safety specialties?

A1 Auditing and monitoring?

Q2 Yes or no?

A3 No.

Q4 Okay. How about auditing and monitoring of ongoing  
15 activities such as the usage safety protocols?

A6 Yes.

Q7 Okay. Coordination of health surveys?

A8 Coordination of health surveys, yes.

Q9 Okay. Within this description, let me see if we can  
20 establish some base line here. If I understand the way  
21 that APC has this put together, the safety specialist  
22 were, a term I'll use is embedded. They were  
23 specifically assigned to a location facility and  
24 project, is that correct?

A5 For the most part, that's correct.

Q Okay. So somebody would go every -- you weren't

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1 handing out assignments each time this guy would show  
2 up at work, he'd go and work on pads, for example?

3 Sure, everybody kind of had their assigned area and  
4 then if somebody was absent there'd be fill-in, you  
5 know, somebody will go over and fill in.

6 Okay. All right. And these guys actually were getting  
7 specific -- in addition to working independently and  
8 doing monitoring, and you agree with me, they worked  
9 independently?

10 Yes, oh yes -- definitely.

11 And in addition to working independently they would  
12 also respond to whoever was the supervisor within  
13 control of that particular construction project or area  
14 of maintenance?

15 Well they reported to or had direct liaison with --  
16 whether it's the maintenance supervisor or the  
17 maintenance foreman or -- they had their own areas to  
18 report to. They -- one was maintenance, one was  
19 construction, one was operations, and one was drilling.

20 Okay. And those are the different specialists within  
21 those different areas?

22 Yes, that's right.

23 Your job, as a safety supervisor was not embedded in  
24 any of those specific areas, but rather was more  
25 generalized over all of those areas, would that be  
correct?

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A Yes.

Q Okay. So that, whereas, one safety specialist might be  
3 working in construction, you would be working with  
4 construction and pads and whatever else the other areas  
5 where you listed?

A Sure, yes.

Q Okay. And then within your responsibilities or within  
8 your job as a safety supervisor, you had to answer to  
9 Doug Smith, correct.....

A0 Yes.

Q1 .....as your immediate supervisor?

A2 Yes.

Q3 Whereas, these gentlemen, the safety specialist would  
14 answer to the foreman who -- or the supervisors who  
15 were in their construction areas who weren't safety  
16 people necessarily, correct?

17 MR. COVELL: I'm going to object to the form of  
18 the question as to when you say answer as to what that means?

19 MS. ZOBEL: All right. I'll rephrase it. I'll  
20 be happy to rephrase it.

21 MR. COVELL: Just to keep it clear for the  
22 record.

23 MS. ZOBEL: I'll be happy to rephrase that.

Q4 (By Ms. Zobel) They were getting specific assignments  
25 from, for example, let's use an example; they're going  
to do a confined space entry in a particular project.

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1 And let's say it's in a construction project, would  
2 that make sense?

A Sure, yes.

Q And so the safety specialist would be responsible to  
5 make sure that they do the confined space entry  
6 correctly, is that correct?

A That's correct.

Q But he would be being told by the supervisor of that  
9 construction project, we're going to do confined space  
10 today and this is where we need you?

A1 That is also correct.

Q2 Okay. Whereas, in your position as a safety supervisor  
13 you were not taking direction from the other craft  
14 supervisors, except in a generalized way if they needed  
15 something to be dealt with from a company wide safety  
16 issue?

A7 No, that's not necessarily true. I was not immune to  
18 having some of the department heads come to me and say  
19 hey we need this over here.

Q0 Give me an example of what they would say, this over  
21 here?

A2 Can you come to the wash bay and do the confined space  
23 entry for the guys in the -- in the wash bay. We've  
24 got another guy that's, for instance, the safety  
25 specialist that was there, he's tied up on another  
permit in the heavy shop, for instance.

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Q Okay.

A So I would pack up and go over and do that.

Q And that would be on an intermittent basis if somebody  
4 else who was embedded with that group wasn't able to  
5 carry out that responsibility?

A Yes, it could be a daily event, you know. So it could  
7 be at any time, every day or twice a week, or, you  
8 know, what I mean.

Q Well it didn't happen every day though, did it?

A0 No, it did not happen every day.

11 MR. COVELL: I want to state another objection.  
12 I think it's just a matter of style, but I think the way  
you're not phrasing your questions as questions. You're making  
the statement saying that would be this that would be that. So  
15 I object to the form of the question.

16 MS. ZOBEL: Okay.

17 MR. COVELL: Because they're technically not  
question, so --

19 MS. ZOBEL: All right.

20 (By Ms. Zobel) I think your answer was that that did  
21 not happen daily. It was something that could happen  
22 that you would be called on, but it happened  
23 intermittently, is that.....

A4 Correct.

Q5 All right. In general, though your job was not to do  
those on site activities but to rather work from the

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1 corporate side of the job of health, safety, and  
2 environment?

3 MR. COVELL: Technically that's not a question.

4 MS. ZOBEL: Is that correct?

5 MR. COVELL: Okay. Now, that's a question.

6 MS. ZOBEL: He answers before I get to say, is  
that correct.

7 Okay. I'll quit.

8 MR. COVELL: That's all right.

9 (By Ms. Zobel) Is that correct?

10 No.

11 No? Well --

12 I don't quite understand the corporate side. I mean,  
13 the way I look at my job as a safety supervisor, if I  
14 may, it was not too much more than a glorified safety  
15 specialist. Somebody had to be in the office to take  
16 care of all the questions that were brought to the  
17 department each and every day by the rest of the field.

18 Could I -- was I qualified to do that? Yes. Were the  
19 rest of the guys qualified to do that? Absolutely. We  
20 were all similarly qualified to do the same job. So if  
21 I wasn't in the office somebody else would have to come  
22 in and fill in and do exactly what I was doing. If I  
23 went to the field to get a confined space entry done,  
24 somebody would have to fill in for me in the office.

25 So we would just shuffle things around and make it all

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1 work. Does that answer your questions.

2 That's helpful. The position that you held though was,  
3 if I'm understanding what you just said, was something  
4 that was necessary? That it was a job that somebody  
5 had to do in terms of being in the office to respond to  
6 the Kuparuk project as a whole?

7 A Yes.

8 MR. COVELL: Okay. Now wait, if it's not a  
question.....

10 MS. ZOBEL: There was a question mark at the  
end of that one.

12 MR. COVELL: Was there? Well if it's not a  
question don't answer it. Okay? All right. Think about  
whether it's a question or not, if it's not a question don't  
answer it. All right.

16 MS. ZOBEL: This is going to get confusing for  
me, I can see it now.

18 MR. COVELL: Sometimes people will say is it,  
or does it, or was. If the question comes at the end of the  
sentence, wait for it. And then if it's a question answer it,  
thank you. Pardon me.

22 MS. ZOBEL: That's all right.

23 MR. COVELL: These things in conversational  
English you can take the inflection and everything else. When  
this eventually gets typed up on the paper oftentimes it looks  
significantly different from the way it sounds, so that's the

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reason for giggling (ph) here. Thank you.

Q (By Ms. Zobel) Okay. It was necessary to have  
3 somebody in the position that you were in, was it not?

A Yes.

Q Okay. And that it was a separate role to be filled  
6 than that of safety specialist, was it not?

A Yes.

Q Okay. We talked briefly before about your employment  
9 history. Let's back up for a second to your resume.  
10 Within the jobs that you held prior to going to work  
11 with APC, were you ever paid on a day rate?

A2 No.

Q3 Okay. Since you have left APC, by whom have you been  
14 employed?

A5 MSE Technology Applications.

Q6 You went back to a prior employer?

A7 Correct.

Q8 What did you do for them?

A9 Identical job I was doing here.

Q0 Okay. When you say -- we have to make the record  
21 clear.

A2 Hydrogeologic and mining engineer.

Q3 The same job that appears on APC document 12 and is  
24 Exhibit G-1?

A5 Correct.

Q And how were you paid there?

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A Yearly salary.

Q Not a day rate?

A Correct.

Q Is that an exempt position or nonexempt?

A I'm not sure.

Q Are you paid overtime?

A Yes.

Q Okay. And what were the dates that you worked for  
9 them?

A10 I honestly can't remember. Let's see. I've got to go  
11 back a little bit.

Q12 Let's go back and establish your dates that you worked  
13 for APC, and then that may help, and we can go from  
14 there. You worked as a safety specialist for what  
15 dates?

A16 2001 to 2003.

Q17 As a safety specialist?

A18 Specialist. I don't recall the exact date of the  
19 transfer to the safety supervisor so --

Q20 Let me tell you what my records state and you can tell  
21 if that's correct or not. 01/30/01 to 01/01/02 as a  
22 safety specialist, does that sound correct?

A23 Sounds reasonable.

Q24 Okay. And then on 01/03/02 you were transferred to a  
25 safety supervisor.....

A Yes, ma'am.

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Q Does that sound correct?

A Sounds correct.

Q Okay. Let me find a document. And then you left,  
4 according to my records, on 04/22/03 as a safety  
5 supervisor, does that sound correct?

A Sounds correct.

Q All right. I've got a shift calendar that is here that  
8 looks like it's something that was changed as of  
9 05/07/02. And I'd like you to just look and tell me if  
10 this appears accurate as to -- I don't mean the exact  
11 dates but the fact that you had certain weeks on and  
12 certain weeks off.

13 COURT REPORTER: G-3 is marked.

14 (Deposition Exhibit G-3 marked)

A5 All right.

Q6 (By Ms. Zobel) And this is the 2002 shift calendar, is  
17 that -- do you recognize this?

A8 Yes.

Q9 All right. Does this accurately set out what would  
20 have been your days on and days off in this -- in the  
21 generalized sense? I don't want you to be saying,  
22 you're testifying that you worked on May 1st, but that  
23 you were on for a certain number of weeks, and then  
24 off. Does this look accurate?

A5 Yes, this would have been just a simple schedule I put  
together to give me a general idea when I was going to

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1 be on the Slope and off the Slope.

Q Okay. And you did a Tuesday change out?

A Yes.

Q And that remained the same for the time through the end  
5 of the time that you worked with APC as a safety  
6 supervisor, is that correct?

A Well in detail I don't recall because sometimes you  
8 come in a day early or leave a day later or, you know,  
9 stay an extra week. So, you know, this would have been  
10 something I would have put together just to give me a  
11 general idea of when I was coming on and when I was  
12 going off, subject to change.

Q3 Okay. And how were you paid? What was your pay?

A4 As a safety supervisor?

Q5 Supervisor, yes.

A6 I believe it was 425 a day.

Q7 Four seventy-five?

A8 Okay. Four seventy-five.

Q9 On a daily basis?

A0 Yes.

Q1 I'm going to show you.....

22 MS. ZOBEL: Madame court reporter.

Q3 .....what we have marked as document 491.

24 COURT REPORTER: And this will be G-4.

25 (Deposition Exhibit G-4 marked)

(Off record comments)

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Q (By Ms. Zobel) Is this something you put together?

Q It may have been something I put together or it may  
3 have been something that Sam Taylor put together.

A Okay.

Q Does this accurately reflect your day rate and number  
6 of days worked per year, do you believe?

A The -- it looks like the day rate of 475 is correct,  
8 but I don't know if it accurately predicts how many  
9 days I worked in a year, I couldn't tell you without  
10 looking at my records how many days I worked so --

Q1 Okay.

A2 Again, it's just a tool to figure out what your pay is  
13 so when you get your paycheck stub you can balance it  
14 against and say we're generally correct so --

Q5 Okay. And Sam Taylor at one point worked as your  
16 alternate as a safety supervisor?

A7 I believe that's correct.

Q8 So if he prepared this it would have been as a  
19 supervisor?

A0 No. This was prepared when I -- when we first -- we  
21 arrived on the Slope the same day as safety specialists  
22 and so within our first hitch we would have put this  
23 together.

Q4 Showing a day rate of 475?

A5 Oh, you just change it as it went along. So, I mean,  
the spreadsheet itself was built early. But you could

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1 insert any day rate you wanted.

Q Okay.

A And it would just do the calculations for you.

Q All right. But that would reflect your rate of  
5 pay.....

A Yes.

Q .....at the time that you left APC, correct?

8 MR. COVELL: And we're talking about the 475?

A Four seventy-five.

10 MS. ZOBEL: That's correct. Not the 500.

Q1 (By Ms. Zobel) Do you know why that 500 was done?

12 What that was?

A3 Don't have a clue.

Q4 All right.

15 MS. ZOBEL: That's your copy.

16 MR. COVELL: Just for the record, these ones  
with the yellow stickers on them, at the end of the deposition  
are going to the court reporter. So we don't want to  
accidentally fold these up in our materials and take them with  
us.

A1 Very good.

22 MS. ZOBEL: And if want a copy of them, you can  
get the copy that is being given to the.....

24 MR. COVELL: Reporter.

25 MS. ZOBEL: To the reporter.

MR. COVELL: And, I'll also have a copy.

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A Yes.

Q (By Ms. Zobel) Ron Kirk was also your alternate, was  
3 he not?

A Yes at one time he was my alternate.

Q As a safety specialist, is that correct?

A Yes.

Q Okay. And is it possible that's Mr. Kirk's day rate,  
8 or do you know?

A I have no idea.

Q All right.

11 MS. ZOBEL: I want to be sure I've got my  
12 records not running away.

Q3 (By Ms. Zobel) Okay. Back now to this listing of  
14 employment that you've done subsequent. Looking at  
15 04/22/03 as your last day with APC, can you give me a  
16 clue of when you went back to work with MSE Technology  
17 Applications?

A8 Around April of '04.

Q9 You took some time off?

A0 Yes, I did. I took some time off and finished  
21 rebuilding my house and sold it in Challis, Idaho.

22 (Off record comments)

Q3 And after you went to work with -- have you worked for  
24 anybody else besides MSE since leaving APC?

A5 Yes, I have.

Q Okay. When did you leave MSE?

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A That would have been about nine months afterwards, so  
2 around -- what does that put us into December of '04?  
3 And then I went to work for -- god, my brain's taking a  
4 break here.

5 MS. ZOBEL: Do you want to take a break? We've  
been doing this over an hour?

A Can we do that and I'll think about that.

8 MS. ZOBEL: That's fine.

9 (Off record)

10 (On record)

Q1 (By Ms. Zobel) Okay. We were talking, Mr. Gilbert,  
12 about the positions that you've held since, and you  
13 were going to tell me who you went to work with after  
14 MSE Technology?

A5 Yes, and I thought about it, and guess what?

Q6 What?

A7 I can't remember their name.

Q8 Okay.

A9 However, it's the same company that I've worked for  
20 since. There's been several contract changes, so the  
21 name of the owner of the company has changed although  
22 the location has not. So I currently work for CH2M  
23 Hill, Washington Group and.....

Q4 And -- go ahead.

A5 And I've worked for them since the MSE position.

Q And that would have been since December of '04?

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A Correct.

Q And tell me what you do for CH2M Hill?

A I'm a civil engineer.

Q And are you actually working in Washington State or in  
5 Lewiston? Oh, you're not in Lewis- -- where are you?

A Lewisville.

Q Lewisville. You're not in Lewiston?

A I actually work at a small place called Scoville, Idaho  
9 which is the Idaho National Engineering Laboratory.

Q10 And does your job entail any health and safety  
11 responsibilities?

A12 No, it does not.

Q13 And how are you paid there?

A14 Salary position.

Q15 And how is that calculated, in the sense, is it on a  
16 day rate, an hourly rate, or an annualized?

A17 I'm not sure to be honest. It's not a day rate, so  
18 it's a yearly salary but I get, again, overtime for  
19 every hour I work overtime.

Q20 Okay. Have you worked previous to the job with APC on  
21 a day rate?

A22 No.

Q23 Did you ever try to negotiate a day rate with anyone?

A24 No.

Q25 Have you worked since with anyone on a day rate?

A No.

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Q Have you ever tried to negotiate a day rate with any of  
2 these people that you worked with since?

A No.

Q Have you ever brought a wage and hour lawsuit  
5 previously?

A No.

Q Or since?

A No.

Q Now in your work with APC, you were paid in what  
10 method, day rate?

A1 Yes.

Q2 That's a question mark. Okay. And your day rate went  
13 up a variety of times based upon how long you'd been  
14 with the company, is that correct?

A5 I had several pay raises while I was there, that's  
16 correct.

Q7 Okay. And your last, I think we established was 475 an  
18 hour, correct?

A9 Correct.

20 MR. COVELL: That's a day.

21 MS. ZOBEL: What did I say, an hour?

22 MR. COVELL: I think so.

A3 An hour.

Q4 (By Ms. Zobel) Okay. Did you have a contract with APC  
25 Natchiq?

A No.

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Q Now the number of hours that you actually worked per  
day, did that fluctuate?

A Yes.

Q Did you have an understanding with the company as to a  
minimum number of hours that you were expected to work  
in exchange for the day rate?

A That would have been 12 hours.

Q Okay. That was your understanding of the expectation?

A Yes.

Q Okay. And you've provided us with -- or your counsel  
did, a series of calendars that are dated and show the  
dates that you were on the Slope.

A Yes.

Q Okay. And these are previously then -- I did not mark  
those as exhibits to this deposition. I just want to  
confirm some information regarding them.

A Okay.

Q They are marked, for the record, beginning 0033 and  
they go through 115 -- 0115. And those records --  
first of all, is that your handwriting on them?

A Yes, it is.

Q And did you keep these while you were working there  
contemporaneous?

A Yes, I did. I kept them every day.

Q Okay. And why did you do this?

A Habit. Same book here.

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Q Do you do that in your current job?

A Yes, I do.

Q And these record the number of hours, I'm assuming,  
4 that you worked. For example, there's a 12, as 12  
5 point -- a 21.5, a 13.5, a 12, a 13.5, a 12, and a 12  
6 kind of thing.

A Correct.

Q And those are the dates or the time that you worked, is  
9 that correct?

A10 Those are the hours I worked in the day.

Q11 Yes. You answered the question I was trying to ask,  
12 thank you. Later in the records I saw when we get into  
13 2002 that you noted actual hours when you came in. For  
14 example, at random I opened it up to March 25 and the  
15 entry is office work, 6:00 a.m. to 6:00 p.m. and why  
16 did you change your habit then?

A17 I have no good answer for you there, I just don't know.

Q18 Okay. But this would reflect that you, on that day --  
19 what would that reflect on that date? The entry March  
20 25th?

A1 Twelve hours of work on Monday, March 25th.

Q2 In the office?

A3 Yes.

Q4 Okay. And then if we went to another one, May 14th of  
25 2002, on page 78, it says meeting Pat Holland, Paul  
Booth, something in design, maybe you can read this to

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1 us.

2 Which day are we looking at?

3 We're just at random opening it.

4 Meeting Pat Holland at the paint booth. Concerns a  
5 design of hose, it looks like.

6 Okay. Who's Pat Holland?

7 Pat Holland was a light shop foreman.

8 Okay.

9 Light shop.

10 And he called you in to look at design on something  
11 that he thought might be unsafe, is that correct?

12 It could have been, yes.

13 Okay. So would this be one of the instances that you  
14 talked about where you might go into the field?

15 Yes.

16 Okay. And then it says, office 5:30 to 6:30 p.m. so  
17 you were back in the office.....

18 Back in the office.

19 .....after doing that? Okay. So if I wanted to find  
20 out, in general, when you were in the office, and when  
21 you were out, would this accurately reflect, at least,  
22 in general, the times when you were working in  
23 different places?

24 Yes.

25 Okay. Talking about -- and I'm skipping over safety  
specialist and going to concentrate on safety

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1 supervisor pursuant to the discussions we've already  
2 had. So all of these questions are going to be after  
3 you were promoted to a supervisory position. Okay?

4 Okay.

5 Q Do you believe it was a promotion?

6 A I think anytime you're given more money, it may be a  
7 promotion.

8 Q Okay. Where physically were you expected to report  
9 each day? Where was your office or did you have an  
10 office?

11 A Yes, we had a section of the Kuparuk camp that the  
12 safety guys had for offices.

13 Q Okay. And did you and your alternate physically have  
14 an office assigned to you?

15 A Yes, all the safety specialists had an office assigned  
16 to them and safety supervisors.

17 Q Okay. And, in fact, I've got a schematic, I think, of  
18 your office and a listed of equipment or ergonomic  
19 furniture that was ordered for you. Was that done  
20 after you were promoted?

21 A I don't recall. You'd have to ask Doug with -- I don't  
22 recall when we ordered that stuff.

23 Q Okay. But we're not asking Doug today.

24 A Okay.

25 MR. SMITH: I'm sorry John.

Q (By Ms. Zobel) Did you have an administrative staff

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1 that was assigned to work with you?

A The department had a secretary, yes.

Q And did you give that secretary assignments to work on?

A Yes and no. Primarily they had their task to do every day that just went unchanging. You know, they'd file the paperwork, they would fill out injury and illness reports, take care of the -- mostly it was just paperwork I guess. Filing records.

Q Was that filing and paperwork in support of your position, at least partially question mark?

A More in support of the department, not necessarily my position.

Q Okay. The material that you generated, did they file it?

A Some of it yes.

Q Okay. There's an organization chart that we have.

17 COURT REPORTER: All right. G-5 is marked.

18 (Deposition Exhibit G-5 marked)

19 MR. COVELL: Thank you.

Q (By Ms. Zobel) Have you seen this before?

A I saw it yesterday.

Q Okay. Among the documents that we provided to your counsel?

A Correct.

Q This safety manager as Doug Smith and then you as a safety supervisor with an alternate of Ron Kirk, was

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1 that accurate in the reporting -- as to the reporting  
2 that -- as to the person you reported to?

A Did I report to Doug Smith?

Q Yes.

A Yes.

Q Okay. And the admin assistant, it shows them as being  
7 connected to your position, so -- and was that accurate  
8 also?

A I don't quite know how to answer that. I think they  
10 were connected as much Doug as they were to me.

Q1 All right. Okay. They supported both of you?

A2 Correct.

Q3 Then you have below that the safety specialist as  
14 reporting to you, is that, and you were earlier  
15 testifying, I think, that you did supervise those  
16 positions, is that correct?

17 MR. COVELL: I guess, I'll object to compound.

18 MS. ZOBEL: Yes.

19 MR. COVELL: So she can either break it down to  
two.

21 MS. ZOBEL: I can break it down to two.

Q2 (By Ms. Zobel) You supervised those safety specialists  
23 that were below you, did you not?

A4 Yes.

Q5 Okay then it shows the -- what's IH safety specialist?  
A Industrial hygiene.

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Q Okay. And that's just another safety specialist? They  
2 couldn't get them all on the same line, is that right  
3 or is that somebody different?

A Sam just had an industrial hygiene background.

Q Okay.

A So he.....

Q Did he float?

A Yes.

Q Okay. Whereas, these other positions were embedded?

A0 In general, yes.

Q1 Okay. And you would, if we had to say float as a word,  
12 you would be available as a consultant for each of  
13 these other -- all these fields down below you. IH  
14 safety construction, field services production, and  
15 field safety?

16 MR. COVELL: I would object to compound. No  
question.

18 MS. ZOBEL: There was a question.

19 MR. COVELL: I didn't hear it, I'm sorry.

20 MS. ZOBEL: Okay.

Q1 (By Ms. Zobel) Can you answer it?

22 MR. COVELL: Do you understand it?

A3 I think, the question as I understand it, is I could be  
24 a direct substitute for any of these guys.....

Q5 That isn't what I was asking.

A Okay.

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Q Did you, in your position -- did you act as a  
consultant to these different subspecialties, the  
safety specialist in the field, the production service  
safety specialty, et cetera?

A I don't think I acted as a consultant, no.

Q If they had a question or if what we -- let me ask you  
this then: We had a listing on your calendar that we  
just looked at, at random where somebody had a concern  
of a hose you said, correct?

A Uh-huh (affirmative).

Q And they came to you to have you look at this as a  
consultant, correct?

A In that light yes, you're correct.

Q Okay. What if a construction safety specialist, I  
believe it's Tommy Brown, had a question would he bring  
it to you? And let me rephrase that: Had a question  
regarding the meeting as data or how to go about doing  
some procedure, would he consult with you?

A He could, yes.

Q Okay. Is this organization chart as far you know, does  
this represent your understanding of the department  
that you worked in?

A It might have been at the very early stage and I'm not  
-- there were so many guys that came and went through  
there. In fact, there was one guy every 30 days that  
came and went, so at one point this may have been

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1 accurate but --

Q In terms of the names of the individuals, not the job  
3 description is that what you're referring to?

A Yes, the job description names look kind of -- look  
5 right.

Q Okay.

A Uh-huh (affirmative).

Q So if somebody may -- who held that position might come  
9 and go, but the positions remained the same throughout  
10 the time that you worked there, is that correct?

A Well, again, the -- I mean this is just a snapshot in  
12 time from a very early stage. Ron Kirk who you have  
13 listed here as safety supervisor with me became a  
14 safety specialist with Michael Davis.

Q Let's stop a second. Ignoring the names of who filled  
16 which of these blocks, did this construction as to an  
17 organization chart remain essentially the same during  
18 the time that you worked as a safety supervisor?

A Essentially the same.

Q Okay. All right. Doug Smith was your immediate  
21 supervisor but he -- there were times when Mr. Smith  
22 was not on the Slope correct?

A Correct.

Q And when he was gone, did you act in his stead?

A For certain things I did yes.

Q Okay. Give me some examples of what you did in his

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1 shoes, when he wasn't there.

A Gather everybody's timecards, sign them and make sure  
3 that they got submitted to the accounting. Answer all  
4 the questions in regards to the department, you know,  
5 like we talked earlier about people coming and asking  
6 questions about the construction or the field services  
7 area production services, so I would handle those  
8 questions as best I could. Try to keep things rolling.

Q Okay. Did you attend supervisory meetings?

A0 Can you explain that supervisory business?

Q1 I'll give you some specifics in a minute, okay? Where  
12 you attended, we'll talk about that. When you said  
13 answer questions from the departments that would come  
14 into the office, give me a, for example, what would  
15 somebody be asking?

A6 For example, somebody would come in and say, hey are  
17 you going to have somebody on pad such and such, at  
18 this time to do the confined space and I would say, I  
19 will know since I know about it. So, I'd call one of  
20 these guys, whoever was out in the field closest to  
21 their need and get them on the radio and send them over  
22 there.

Q3 Okay. In that sense were you a coordinator of the work  
24 that was being done by HSE?

A5 You could say that, yes.

Q Okay. What's another, for example, kind of question

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1 you might get?

2 The client, Industrial Hygienist might come down and  
3 ask did you guys do samples on this date, at this  
4 location and I would go to the sample record book, and  
5 open it up and say yes or no.

6 Q And would they ask you for what the results were or  
7 anything like that?

8 A Yes, we'd just show them it's all in the books, so  
9 you'd open the book and say, if it was there, here's  
10 the results for that day, on this person.

11 Q Okay. Give me another, for example.

12 A Somebody might come and say, hey we have an injury or  
13 an illness with a particular employee and you need to  
14 go to the medical and meet him and make sure that the  
15 appropriate paperwork's filled out so I would handle  
16 that.

17 Q Okay. And that was within the Workers' Comp program  
18 and the OSHA recordable program?

19 A That was just out of the recordable program.

20 Q Okay. Now there were -- thinking about the recordable  
21 program under OSHA there were certain illnesses or  
22 injuries that would occur that would not be recordable,  
23 is that correct, under the regulations?

24 A Correct.

25 Q And would you be the person who would make the  
determination as to whether this was recordable as a

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1 lost time or personal incident?

A I could be that person, yes.

Q Okay. And you'd be exercising your judgment over the  
4 situation?

5 MR. COVELL: Objection.

Q (By Ms. Zobel) Is that correct?

A I would be exercising the requirements of the CFR and  
8 the company's regulations. Not my judgment -- but the  
9 company's order, federal government's.

Q0 All right. You said a moment ago as one of your  
11 examples that you -- that the client might come to you  
12 and ask a questions if something were done. Was this  
13 an activity that you would do fairly regularly to  
14 interface with the client, Phillips Alaska?

A5 Yes, it happened quite frequently.

Q6 Okay. Were you at times considered a spokesperson for  
17 the Department of Health -- HSE, for APC when it came  
18 to interacting with the client?

A9 Yes, you could say that.

Q0 Okay. Let's look at some of these meetings, I said  
21 we'd be talking about. Well I think we'll look at some  
22 of these meetings.

23 COURT REPORTER: I'm marking G-6.

24 (Deposition Exhibit G-6 marked)

Q5 Senior staff meeting, February 13, 2002. This is  
during the time period when you were a safety

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1 specialist, was it not? I mean a safety supervisor,  
2 was it not, sorry?

3 Yes.

4 That's February '02. I just wanted to be sure we were  
5 on the.....

6 MR. COVELL: Just to make it easy, I thought  
this was safety specialist time.

8 MS. ZOBEL: No.

9 MR. COVELL: All right.

10 MS. ZOBEL: No, safety specialist began as a  
one.....

12 MR. COVELL: 01/02 through 4/03. Okay.

13 MS. ZOBEL: Yes, 01/03/02 safety supervisor.

14 We need to write those on the board.

15 MS. ZOBEL: I know. I have a cheat sheet.

16 Okay.

17 MR. COVELL: So it's approximately a year and a  
half safety supervisor from January of '02?

19 MS. ZOBEL: Through April of 03?

20 MR. COVELL: Right. And then for a year prior  
to that safety specialist?

22 Correct.

23 MS. ZOBEL: That's correct, but we're only  
dealing with six months at least under my theory.

25 MR. COVELL: Well weather or not he's entitled  
to money.....

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1 MS. ZOBEL: Yes.

2 MR. COVELL: .....is your theory. But whether  
or not he was actually there in that position, we agree to  
what?

5 MS. ZOBEL: Yes, yes.

6 MR. COVELL: That's fine.

Q (By Ms. Zobel) Now senior staff meeting, who would  
8 have been -- besides yourself, you're listed as an  
9 attendee and we deleted names.

A0 Oh, okay.

Q1 Yes, you were the only one there. Who else would have  
12 attended this, and you don't have to give me names.  
13 We'll just get the org chart, is there anybody on this  
14 org chart would have been there besides yourself or  
15 Doug Smith if he were there.

16 MR. COVELL: Now just for the record, you're  
referring to what's marked as.....

18 MS. ZOBEL: G-5.

19 MR. COVELL: G-5 is the org chart.

A0 Can I just look at this senior staff meeting for just a  
21 second maybe it'll jog my memory here.

Q2 (By Ms. Zobel) Sure.

A3 See, I can't tell if this is a -- is this a Phillips  
24 senior staff meeting or an APC senior staff meeting?

Q5 Well let me ask you this: You're shown as an attendee  
of this and as a safety specialist you never would have

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1 attended a senior staff meeting whether it was an APC  
2 senior staff meeting or a PAI senior staff meeting  
3 would you have?

4 There's a chance that I could have attended a senior  
5 staff meeting as a safety specialist.

Q Okay. After.....

A For both companies.

Q After you became a safety supervisor, was there a  
9 situation where anyone who was a safety specialist  
10 would ever have attended these meetings or would it  
11 only be you or Doug Smith?

A12 No, it could have been anybody out of the department.  
13 Any of the -- any of the safety specialists could have  
14 attended one of these -- could have.

Q15 Could have. But was that the norm?

A16 Yes.

Q17 That they did it regularly?

A18 By regularly, what do you mean?

Q19 Well these meetings were held what, monthly?

A20 That I don't know.

Q21 All right. Was there ever a senior staff meeting held  
22 that you know somebody who was a safety specialist  
23 attended when you were otherwise available or Doug  
24 Smith was available?

A25 I can't answer that, I don't recall.

Q All right. What about -- I'm going to show you some

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1 change out notes that you did.

2 MS. ZOBEL: Oh, a mess up.

3 It doesn't have a yellow sticky on it yet.

4 COURT REPORTER: G-7.

5 (Deposition Exhibit G-7 marked)

6 MR. COVELL: Madame clerk, do you just want to  
pass the exhibit stickers down here, do you trust us with them?  
8 And we could put them on perhaps?

9 COURT REPORTER: I do trust you.

10 MS. ZOBEL: Whatever is easiest, I want to move  
this along.

12 (By Ms. Zobel) Were there meetings that were held  
13 amount the senior staff of APC that you step into the  
14 position and attend when Doug Smith was unavailable?

15 Yes.

16 Okay. And your representation would be the HSE  
17 department?

18 Yes.

19 Okay. These are some examples of some of your change  
20 out notes, we've marked it as Exhibit G-7. Do you  
21 recognize these?

22 I recognize the notes, yes.

23 This would have been January 3rd of 2002, it looks  
24 like. So, now, you said the date on this is 01/20/01.

25 You don't mean that do you? Change out notes of  
January 3 -- yes, haven't you misstated the date?

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A Probably blew the date, yes.

Q Okay. These were done to -- for what reason?

A Well first of all I guess the two, the change out  
4 memorandum two, I don't know -- what did you.....

Q We took all the names out.

A Are you sure there was a name there?

Q Yes, there was a name there.

A Because sometimes I would just keep my notes here for  
9 the next go around when I didn't have an alternate or  
10 nobody to hand these off to.

Q1 Okay.

A2 So I just wanted to make sure there was.

Q3 Yes.

A4 Okay. So you took a name off there, so I provided this  
15 to my alternate, whoever that might have been at the  
16 time to let them know what I had done during my time  
17 period on the Slope and to assist them in getting up to  
18 speed for what was going on overall.

Q9 Okay. And it looks like there, you've divided it into  
20 topics. And lets go through those topics and have you  
21 tell me generally, what your responsibilities were?  
22 Illness and injuries, what were your responsibilities  
23 here?

A4 Basically, I am just stating who got hurt, when, and  
25 what their status was and how they were handled and  
probably whether or not they were -- well in which

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1 regard they were classified, you know. Were they a  
2 first aid incident, were they a recordable incident --  
Q Time loss, et cetera?

A Yes, so on.

Q And what within the injury area besides determining and  
6 recording that people were a time loss for your OSHA  
7 300 or OSHA 200 depending on the time period log, what  
8 other, if any responsibilities, did you have vis a vis  
9 somebody who was injured?

A I'm not quite sure how to answer that. I guess  
11 basically somebody would bring -- would call me first  
12 of all or let us know -- let me know, let the  
13 department know that there's an injured employee on his  
14 way to the medical facility at which point they would  
15 come in and kind of hand them off to me. Or if whoever  
16 was in the office at the time and they would take over.

17 Run them to the medic, make sure they got to the  
18 medic, got in there, filled out all the appropriate  
19 paperwork and then, you know, if they needed a ride to  
20 the airport to get off of the Slope, you'd drive them  
21 to airport and put them on a plane, send them to  
22 medical facilities if they needed it. Or you would  
23 attend to them and their needs and their bunk if you  
24 will, their room. And then besides that it was just  
25 notifying their supervisor as to what had happened and  
making sure that all the paperwork was complete.

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Q I note on here where you talk about some people coming  
2 back onto the job in light duty, for example. Is this  
3 something that you had any responsibility for returning  
4 people to work to minimize the recordables?

A No, it's a pretty -- that's a pretty gray area. It's,  
6 you know, when you bring somebody back light duty,  
7 that's kind of a gray area in the rules and regulations  
8 so --

Q In what sense?

A Well you know you have first aids and then you have  
11 recordables and then you have nonrecordables. So when  
12 you have a light duty, you're just trying to save your  
13 time here -- yourself a recordable incident or a lost  
14 time incident by bringing them back. Keeping them on,  
15 not doing exactly what their function is as well. So  
16 I honestly can't remember whether I would have had  
17 anything to do with that, but most work returns and  
18 light duty were not -- they were above my level. I  
19 would not have made that call to bring somebody back on  
20 light duty, it would have been Doug, Gary Buchanan or  
21 one of the department supervisors in construction  
22 production, drilling, et cetera.

Q Okay. And if the determination was made to return  
24 somebody to light duty did you do any monitoring of  
25 whether they were physically capable of doing this in a  
safe manner?

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A No, because if they brought somebody back on light  
2 duty, he'd basically be sitting at a desk doing  
3 nothing.

Q Within the need to know area it looks like you've got  
5 clearance isn't the correct word, but you were in the  
6 chain of command that has -- that is privy to people's  
7 medication uses and the nature of their injury and  
8 treatment, was that correct?

A Where are you at?

Q I'm looking just in general, all of these reported that  
11 somebody has an infection, they're given antibiotics,  
12 if somebody is going to a chiropractor, et cetera. So  
13 you're in the need to know level for medical, correct?

A That would have just been provided information from the  
15 medic.

Q Okay.

A But any of the safety supervisors or any of the safety  
18 specialists, if they had brought this person to the  
19 medic would have been in the -- in the know. They  
20 would have known the same thing.

Q So within the chain of command, and when the individual  
22 is injured, the information regarding their medical is  
23 that generally known or is that something that is  
24 restricted to certain people?

A The general medication is probably known by everybody  
in the safety department although we try to keep it,

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1       you know, private. But what happens with the medic and  
2       the injured employee is strictly their confidential  
3       business, you know. When an employee went in, if he  
4       had an unknown injury, you know, I mean, you bring  
5       them, in and they behind closed doors the medic would  
6       evaluate him, prescribe him and all you would get is  
7       this guy's, you know, bed rest for a week or he's  
8       getting on the plane and going to town, and, you know,  
9       here's his medication to get him there and that's all  
10      you'd know.

Q1      When they go back onto the job, what are the -- who are  
12      the people who would be privy to the information  
13      regarding.....

A4      Their supervisor.

Q5      The supervisor only?

A6      Yes.

Q7      Okay.

A8      I mean the supervisor of their department. They would  
19      need to know.

Q20     It's a need to know basis?

A21     Yes. They would need to know what medications they  
22     were on and so forth, and then the company had a policy  
23     also that, you know, if you were out for an extended  
24     period of time, you'd have to come back with a doctor's  
25     release and the occasionally you'd have to go see the  
      company doctor to confirm that release.

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Q Okay. Next category is vehicle incidents?

A Uh-huh (affirmative).

Q What responsibility did you have vis a vis property damage or in this case a vehicle incident?

A Just recording it, so you could get down in the books that there was an accident or same with the spills, you know --

Q Were you in the lineup to whom those incidents would be reported?

A Yes, uh-huh (affirmative).

Q And you'd be keeping paperwork then of that information?

A Yes, there was a book in the department that we kept all the information in.

Q Did you ever do any specific inspections or not inspections, but did you go out in the field and actually look at a vehicle incident and do any kind of a safety audit on what happened? Did you ever investigate accidents -- there we go.

A Yes.

Q What kind of accidents would you have been involved in investigating?

A Two trucks colliding on the Haul Road, god, scaffolding tipping over, I don't know. Shoot, it could have been a plethora of things, I don't know.

Q Okay. An individual being injured would that be

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1 something that you would investigate -- a fatality?

2 Yes, I would assist in an investigation. I mean, I was  
3 never in charge of any of the investigations, but  
4 assisted in a lot of them.

5 Q And that was part of your duties as a safety  
6 supervisor?

7 A And specialist, yes.

8 Q And in your position as safety supervisor, you had the  
9 additional responsibility of keeping the paperwork  
10 regarding them, is that not correct as opposed to the  
11 specialist?

12 A No, actually, probably did less investigations as a  
13 safety supervisor than I did as a safety specialist and  
14 the paperwork portion of the investigations was really  
15 the responsibility of the department, managers or  
16 supervisors, if you will, not the responsibility of the  
17 safety department although we would assist in almost  
18 every incident or illness investigation so --

19 Q Okay.

20 A But the specialists were more involved in than I would  
21 have been as a supervisor position.

22 Q Well what would be your role, if there were an accident  
23 then as a supervisor?

24 A I think the final role would be to, you know, make any  
25 comments you might have because they would assemble the  
report and then they would distribute it to everybody

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1 and then ask for comments. You would mark your  
2 comments, send it back, they would issue a final  
3 report. You'd review it. If there was any property  
4 damage or if there was a recordable, whatever type of  
5 injury you might have, you want to make sure you  
6 followed up with the appropriate paperwork, get it  
7 filed in the system, and that would be that.

Q Okay. When you said comments in reviewing it, what  
9 sort of comments would you be making?

A Well that's a pretty blanket statement, it could be  
11 anything. You know, like a spelling error.

Q Oh.

A To, you know, that's not the way I heard it type of  
14 comment, this is what I heard, you know.

Q Would you be making any comments regarding this  
16 occurring in the future or implementing some change in  
17 procedure because of this accident?

A It's potentially -- yes, you could make a comment that  
19 says, geez, I think that from now on we ought to not,  
20 you know, let guys drive 50 miles an hour on the Haul  
21 Road so --

Q Yes.

A Maybe they need to drive 30, you know, so --

Q When you did the review of these accident reports, was  
24 it as a representative of the department as a whole of  
25 APC or what capacity was it?

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A I guess it would just be another comment or I'm not so  
2 sure it would be as a whole because there might be two  
3 other safety specialists, you know making comments at  
4 the same time, so it'd just be another comment or -- to  
5 the investigation. I mean, my comments were not the  
6 last word.

Q Well I guess what I'm getting at is why did they send  
8 it to you if safety specialists have already looked at  
9 it, if they didn't need somebody from corporate to look  
10 at it, or from whoever was a representative of the  
11 department?

A2 I think it's to get more eyes on it, personally. I  
13 have no good answer for you there. I mean, why did  
14 they send it to the safety specialist? So it could be  
15 the opposite question, so we had several people  
16 involved in all of these investigations so --

Q7 UA's, urinalysis?

A8 Uh-huh (affirmative).

Q9 And what was your responsibility there?

A0 Let's see, we would bring the employees in for random  
21 and then scheduled urinalysis and perform the entire  
22 urinalysis procedure, you know.

Q3 What was your role in the urinalysis program?

A4 Same as everybody else's. You'd bring them in and  
25 you'd sit them down. You'd have them fill out the  
initial paperwork. You'd check them for contraband.

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1 You'd take them in, give them the cup, watch them do  
2 their thing in the cup, pull it back, make sure that  
3 the temperature was correct on the cup and everything  
4 looked okay. Then you would split the sample, load the  
5 sample in a sample bag and fill out the final paperwork  
6 and send it to town.

Q Who else would do this? You said the same as everybody  
8 else?

A Every- -- almost everybody in the department was able  
10 to do those urinalysis except for the secretary.

Q1 When you say in the department, who are you referring  
12 to?

A3 All the safety specialists, myself, and Doug and the  
14 IH.

Q5 Okay. And among those individuals who were trained to  
16 be able to do this, you had to be trained to.....

A7 Correct.

Q8 You had to be able to sign off on them, correct -- to  
19 be able to do them?

A0 You had to be trained.....

Q1 Right.

A2 In order to do the test, yes.

Q3 All right. If you were available, were you the one  
24 that did them as opposed to other individuals?

A5 I guess the answer's yes, if I was available I would do  
it. However, if somebody else was available they would

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1 do it so -- and I don't know how to split that up.  
2 It's -- it was a free for all. If you had time you did  
3 it, irregardless of who you were.  
Q Okay. Let's take the -- you had two programs for  
5 urinalysis, correct?  
A Can you --  
Q One that would be if there was an accident it was  
8 required that people give a UA, correct?  
A Correct.  
Q And then you had random?  
A Correct.  
Q Within those two, if somebody were in the random group,  
13 would you be expected to be the one administering those  
14 UA's.....  
A Not necessarily.  
Q .....within the office?  
A Not necessarily.  
Q You'd bring safety specialist out of the field in order  
19 to do those?  
A It's -- it's -- yes. It's highly possible. There  
21 could be a safety specialist doing it instead of me.  
Q Well what was the norm, not whether it was possible?  
A There is no norm. It was just a free for all. If you  
24 had time you would do it. I was not specifically  
25 responsible for doing a random urinalysis.  
Q Okay.

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1 MR. COVELL: I need to take a five minute break  
2 for a quick phone call. I apologize.

3 MS. ZOBEL: Sure.

4 (Off record)

5 (On record)

6 (By Ms. Zobel) Going this list of areas that you're  
7 reporting on, it says safety department. Let's go to  
8 page 299 of this exhibit. The first bullet says blank  
9 called from Soldotna regarding the 624 Safety  
10 Specialist JVA. Would that be about a job or why would  
11 he be calling?

12 That -- yes, it could be about a job, I'm not sure. I  
13 would -- it's hard to say.

14 Okay. Did people call you when they're looking for  
15 employment within the safety department at Kuparuk?

16 They could have called me, yes.

17 Okay. Did you have some hand in reviewing or getting  
18 JVA's or the hiring process?

19 No, I simply would take the phone call, gather up -- if  
20 somebody sent a resume we'd gather it up, if we were  
21 hiring. And then we -- we would as a department, I  
22 guess, if -- well there's a couple of different ways it  
23 could have happened. Sometimes guys would just show up  
24 and say I'm working, and that would happen. Other  
25 times we'd be short a hand and the word would go out,  
hey call everybody you know and see if we can get them

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1 up here. You know, if you know anybody. So as a group  
2 we'd all call who we knew and they would send a resume  
3 or some other form of information and we'd all kind of  
4 just look through them and then a final decision would  
5 be made as to -- if they're going to hire them or not.

Q Who would make the final decision?

A Doug in this particular instance.

Q Okay. And would Doug be looking to you to give him  
9 your input as to who would be hired?

A10 Myself and others, yes.

Q11 Who would the others be?

A12 All the safety specialists.

Q13 Okay. There's another bullet point down here about  
14 mid-way through about a Mr. Ken Quinlan who contacted  
15 me. He's an IH who is currently working in Arizona.  
16 He's looking for work.

A17 Uh-huh (affirmative).

Q18 And then you told him to send the resume to a certain  
19 e-mail. Who's e-mail is that?

A20 It might have been mine. It might have been Doug's, I  
21 don't know.

Q22 Does that look like yours?

A23 I don't recall.

Q24 All right. Then back up on this page, on 299 it says  
25 blank approached me about a problem she's having with  
her alternate and is unhappy with the amount of work

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1 that's being completed during her hitch. Did you have  
2 responsibilities to deal with unhappy employees within  
3 the department?

4 A No, I -- Doug handled all that.

5 Q Well if Doug wasn't there did you just blow them off  
6 and say wait until Doug's there or what did you do?

7 A Pretty much.

8 Q Oh. Did you ever problem solve with people who were  
9 unhappy?

10 A Yes, sure.

11 Q All right. It says I've not talked with blank and  
12 there's always two sides to the story, would you do the  
13 two sides to the story? Would you investigate?

14 A I know what this is all about here. This is Kim and  
15 Amanda were not -- they were butting heads and, you  
16 know, I just deferred all this to Doug.

17 Q Is that because it wasn't your responsibility or  
18 because you just didn't want to deal with the personnel  
19 issues in the admin office?

20 A I don't think it was my responsibility so --

21 Q Okay. What about if there was some lack of  
22 attentiveness or work ethic or whatever on the part of  
23 the safety specialist? Would it be your responsibility  
24 to call that to their attention and tell them they  
25 needed to get it straight?

A I can't ever recall that happening, so I don't know how

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1 to answer that. No.

Q You never had anybody from any of the different places  
3 where these people were embedded -- the supervisors  
4 calling you and saying we're having trouble with so and  
5 so?

A Oh, I think there was a lot of that particular type of  
7 stuff going on all the time. You know, I mean the  
8 safety department is not -- how shall I put this --  
9 well liked by either management or employee.

Q0 Why is that?

A1 You're the bad guy. You know, you're always -- you  
12 have nothing good to tell management and you're always  
13 on the employee's back to make them work safe so nobody  
14 likes you. Yes, you could get a call several times a  
15 day complaining about the safety guy.

Q6 And you're the guy that they would bring those  
17 complaints you?

A8 Yes, myself or Doug or Ron Kirk or.....

Q9 As your alternate?

A0 Gary Buchanan or.....

Q1 Gary over -- what was his position -- over Doug?

A2 Yes, he's the -- let's see if I can get this right.

Q3 You don't have to worry about what his.....

A4 I don't know, I can't remember his title.

Q5 Okay.

A It would be a guess.

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Q Then safety staff meetings: when you hold a safety  
staff meeting, would you conduct those meetings?

A (No audible answer)

Q It says I basically went over what so and so presented  
to the rest of the group the previous Saturday. Also  
discussed the modification to the APC PP and G manual.

7 We're right here.

A Two 99, right here. It looks like I did conduct that  
one, yes.

Q Okay. Is that some of what you regularly did?

A Well we weren't very good at having regular meetings.

Q When you held meetings, who conducted them?

A It's -- it's possible that I conducted them. It's also  
possible Doug conducted them or one of the safety  
specialists if he had something in particular he wanted  
to talk about he would conduct them. It was pretty  
informal.

Q Okay. He'd be on the agenda, but somebody else would  
set the agenda?

A I don't even know if you could go as far as saying  
there was an agenda.

Q Oh, I've got some agendas.

A Okay. Good.

Q We'll get to some of those in a minute.

A Good.

Q Now, it says here that you discussed a modification of

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1 a -- what's a PP and G manual?

2 That stands for policy, procedures and guidelines  
3 manual.

4 Q And was it your responsibility to -- it says it --  
5 modifying the program to meet our needs? Was that part  
6 of your responsibility to come up with suggestions on  
7 how to do that?

8 A No, it wasn't my responsibility. I guess I took it  
9 upon myself to jump in and -- and update what they  
10 already had to more -- to meet the current needs of  
11 what we were doing on the -- on the Slope at the time.

12 Q Okay what's the ASH 2002 rollout?

13 A That is the -- what the heck does that stand for?  
14 Alaska Safety and Health 2002 manual that the client  
15 puts out. I think that came from ConocoPhillips -- or  
16 it's actually a conglomeration of Conoco and BP and all  
17 the oil companies at the -- on the Slope get together  
18 and they revise this little safety and health manual  
19 every year that they give to the employees. I don't  
20 know if it's every year or not, but a small manual that  
21 they give to all the employees every year. I mean,  
22 it's just general health and safety information for the  
23 Slope.

24 Q Okay. Was it your job to be sure that the people that  
25 were below you on the org chart had that information as  
to changes that needed to be complied with?

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A No. No, it was general knowledge. You just -- I mean,  
2 you could get one of those manuals anywhere.

Q So it was just hit or miss, you didn't have discussions  
4 about them?

A Oh, we were all in -- we helped to review this thing  
6 months in advance. So everybody was in the know as to  
7 what it was. So it looks to me like somebody in --  
8 e-mailed to me and I just passed it on to everybody  
9 else.

Q10 Okay. Within the safety department, if somebody in the  
11 field needed a piece of equipment did you have  
12 authority to purchase that or to authorize purchase of  
13 it?

A14 It may have had authority to opera- -- to authorize the  
15 purchase or -- or get it.

Q16 Okay. And within the budget for the department itself,  
17 did you come up with a wish list, so to speak, or  
18 contribute to what kinds of equipment needed to be  
19 purchased for the department?

A20 Yes, I think you see that here in this next bullet. We  
21 put together a list, and I just went through and asked  
22 everybody what we -- what they thought we needed and we  
23 put together a list and I put them together here.

Q24 Okay.

A25 It just.....

Q Well have -- here's something called an instrument

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1 replacement analysis.

2 Uh-huh (affirmative).

3 MS. ZOBEL: And madame court reporter would you  
pass them a sticker please?

5 MR. COVELL: I've got the stickers.

6 MS. ZOBEL: Oh, all right.

7 MR. COVELL: So we'll mark this G-8 for the  
record.

9 (Deposition Exhibit G-8 marked)

10 MS. ZOBEL: That's fine.

11 (By Ms. Zobel) Do you recognize this? It has your  
12 name in the right-hand corner.

13 A3 Oh, yes, this is a spreadsheet I built. Okay.

14 Q4 What is it you did?

15 A5 Let's see here.

16 Q6 I don't know if this is all of it, but tell me what  
17 this page represents.

18 A8 Well give me a second. I'll get up to speed here. It  
19 looks like I was trying to come up with a cost analysis  
20 of -- we had some old equipment on there. Some old  
21 monitoring equipment and we wanted to replace it with  
22 something newer. So, let's see here. There must be a  
23 separate sheet that goes with the newer -- this is all  
24 equipment, I believe. So, there's probably another  
25 sheet that has -- that compares the bottom line cost of  
all this old equipment with the bottom line cost of

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1 some new equipment.

Q Okay. Were you make recommendations in this analysis  
3 for things that needed to be replaced or were you just  
4 inventorying stuff?

A I think what we had was -- I think we had some guys  
6 come up and demo some new equipment and we thought it  
7 was pretty neat. So we decided we would determine  
8 whether or not it was worth the money.

Q Okay. And.....

A10 So I guess I was probably just comparing costs is all I  
11 was doing.

Q12 And that was part of your job description that you  
13 would analyze what equipment would be best to be  
14 replaced and how to replace it?

A15 Oh, I don't know if you could say that. I think  
16 everybody was involved in whether or not we would  
17 replace equipment or not.

Q18 But doing the analysis. I mean everybody didn't do an  
19 analysis separately like this?

A20 I can't say that they did or did not. I have no idea  
21 whether somebody else did an analysis like this or not  
22 for the same or similar equipment.

Q23 How is it that you would do such an analysis? I mean  
24 would you be assigned to do it or did you take it on  
25 yourself and do it?

A Either way, maybe somebody asked me to do it, or I

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1 could have just said well I wonder if it's worth buying  
2 the new stuff? How much is the old stuff worth and  
3 just did this.

Q Okay. Did you meet with vendors and talk to them about  
5 equipment that might be available out there.....

A At times.

Q .....to be useful?

A At times, yes.

Q Okay. I have a --

10 MR. COVELL: There you go. We'll be on G-9 on  
this next paper.

12 (Deposition Exhibit G-9 marked)

13 MS. ZOBEL: Okay.

Q4 (By Ms. Zobel) This is -- it looks like somebody  
15 writing to you or this is like, somehow, we ended up  
16 with page one of this. But tell me what this is if you  
17 can?

A8 Yes, this is a gentleman that -- I can't remember  
19 whether we looked into it or he presented himself to us  
20 to come up and provide some fall protection training  
21 for the department, all the guys and our department as  
22 well as maybe the guys in Phillips too, so --

Q3 Okay. And you met with this gentleman?

A4 I don't believe I ever met this guy, but I can't recall  
25 for sure.

Q Oh, you had a discussion with him it looks like?

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A Yes, I think all it was was a phone discussion, on the  
2 phone, and then he sent -- this is like a -- this is  
3 just like a quote.

Q Uh-hum. Would you be -- using this as an example, not  
5 specifically, this particular situation, when you would  
6 meet with vendors, would you then pass on your  
7 recommendation one way or another as to whether it  
8 would be appropriate for the department?

A Yes, I guess. You know, I mean, there's all sorts of  
10 salesmens (ph) up there so --

Q1 Yes. And you wouldn't pass everyone of them on to Doug  
12 or the upper -- on to the department, would you?

A3 I tried to pass everything that was presented to me  
14 along to everybody in the department.

Q5 So you said there's all kinds of vendors up there. So  
16 every time you talked to a vendor you disseminated that  
17 information?

A8 Tried to.

Q9 Would there ever be a situation where you decide this  
20 just isn't worthwhile and you wouldn't waste people's  
21 time?

A2 Could have been, yes.

Q3 Okay. I'm going to show you another one of these just  
24 to ask you about it.

A5 Okay.

MR. COVELL: G-10.

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(Deposition Exhibit G-10 marked)

1

2

these still?

4

COURT REPORTER: Yes, please.

5

MS. ZOBEL: Okay.

Q

7

(By Ms. Zobel) This is -- can you tell me what this is?

A

9

Let's see here. Again, it's just another -- Gravitec.

10

It must be a fall protection system, I'm guessing.

11

And somebody just sent a brochure to us, probably all this was, you know.

Q2

13

Okay. And you were the point person that they sent it to?

A4

In this case, yes.

Q5

16

Okay. And do you know what you did with the Gravitec System information?

A7

18

Probably passed it along to the department; Doug and the rest of the guys and I think that's where it got dropped. Nothing become of it.

19

Q0

Who's the rest of the guys?

A1

The safety specialists.

22

because the dash between the G and the 10 made it look like a 440.

MR. COVELL: I just annotated that G-10 again

MS. ZOBEL: Oh.

25

MR. COVELL: So that's what I was doing there.

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1 MS. ZOBEL: Okay. Yes, we're going to put you  
2 in charge of this, you better do it right.

3 MR. COVELL: I'm trying. My handwriting is not  
4 exemplary.

5 (By Ms. Zobel) This is another memo. I just want to  
6 ask you what this is.

7 MR. COVELL: G-11.

8 (Deposition Exhibit G-11 marked)

9 A G-11.

10 MS. ZOBEL: Sounds like a bingo number, doesn't  
11 it?

12 (By Ms. Zobel) Okay. Tell me what this is?

13 A It looks like it is a memo from me to somebody. And it  
14 just simply summarizes what our costs were in -- from  
15 '95 to 2002, I guess.

16 Q This is a.....

17 A Assembling costs.

18 Q This is to input for the budget?

19 A It looks that way.

20 Q Okay. Who's John Harvill?

21 A I don't recall.

22 Q Do you know who N-a-t-l-s-c-o is?

23 A It's just a sampling analysis lab.

24 Q Okay.

25 A So it look to me like somebody wanted to know how much  
money we had spent over the years on sampling with this

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1 outfit, so I went to the book and opened it up and  
2 added it up and sent him an e-mail.

Q So you created the work? Did you do a worksheet to do  
4 that, is that what you did?

A Yes, I would have just used a spreadsheet.

Q Okay. Within your job you talked about how -- and your  
7 not the most popular people because you're telling  
8 people what they can't do and how they have to do  
9 things safely, if somebody was not doing things safely  
10 out in the field, what was your responsibility?

A1 To stop the work and correct the situation and make  
12 sure that they've preformed their work in an  
13 appropriate safe manner.

Q4 Okay. Did you have any voice in any of the discipline  
15 that might come out of the violation of safety?

A6 No. Can you expand on that please when you say.....

Q7 Well could you, for example, could you -- did you ever  
18 make recommendations that somebody be terminated or  
19 disciplined because of their actions?

A0 No.

Q1 Okay. I noted in one of the memos, and I don't think I  
22 copied it, something about calling -- referring to the  
23 cop aspect of the job and that people were not doing  
24 that. Tell me what you meant by that?

25 MR. COVELL: If you can answer the question.

Q (By Ms. Zobel) You nodded when I used the term cop.

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A Well the term copy, is just simply, you know, the --  
2 there was always a separate approach and it would just  
3 -- would funnel down from primarily Gary Buchanan --  
4 that I want you guys to be policemen out there on the  
5 patrol all the time. Making sure that, you know, these  
6 guys are in line. And then it would swing, you know,  
7 these were on a -- a pendulum -- these ideas. So, it  
8 would go from being the cop to being the -- you're best  
9 buddy, you know. And then it'd go back to being the  
10 cop. So, back and forth, back and forth and that's all  
11 that refers to. So, if you're the cop you're out  
12 there, by god, I'm writing you up, you know. You're  
13 doing the wrong thing, I'm going to -- I'm shutting you  
14 down. You can't work any more. You know, taking the  
15 hard line. And then the other side would be, you know,  
16 you guys, you know, you might want to reconsider what  
17 you're doing and try a different approach.

Q8 Okay. So if the pendulum was on the side of the cop  
19 mentality, if the perception of corporate was -- or  
20 Gary Buchanan was -- that we weren't following through  
21 on that, what would role be then? To communicate that  
22 to the troops or what?

A3 Yes.

Q4 Okay. If there had been a violation of safety that  
25 came to your attention, did you ever suggest that there  
be new training implemented?

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A Could have, yes.

Q And would you recommend ever that there be transfers or anything like that of individuals?

A I don't think I would have ever made a recommendation that somebody get transferred. I might have gotten mad at somebody and said take a day off, but there's really nothing formal there at all so --

Q Okay.

A It's -- you know, it's difficult being the safety guy out there because the last thing you want is somebody to get hurt while you're trying to keep them safe so --

Q Yes. In addition to having federal and state regulations that you had to follow in safety -- and that's a given, you did have to follow state and federal regulations, correct?

A Correct.

Q Were there compliance requirements from clients as well -- from the client?

A Yes.

Q Okay. So did your responsibilities include working with the client in any manner in developing those requirements?

A Not in developing the clients' requirements. I worked with the client.

25 MR. COVELL: And just to be clear, these are client safety requirements, right?

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1 MS. ZOBEL: Yes, yes. Safety -- within his  
2 field, right.

3 MR. COVELL: Okay.

Q (By Ms. Zobel) And how would you work with the client?

5 Explain that to me. What were your interfaces?

A I might go to a drill pad and meet with one of the  
7 client's safety specialists or their super- --  
8 supervisory personnel and walk down a job.

Q Meaning walk down a job -- what's that mean?

A Just walking down for safety issues -- safety problems.

Q And what would happen if there were safety issues  
12 discovered?

A Put our heads together and come up with a way to  
14 mitigate them.

Q Okay. And you were one of the people that was  
16 designated to do this with the client?

A You could say that as well as all the guys in the  
18 department, every safety specialist, the manager, the  
19 -- everybody was designated to do that to work with the  
20 client and provide them with what they needed.

Q Okay. Let's talk a little bit about the department and  
22 you were there when there were changes made within the  
23 department were you not?

A Yes.

Q Okay. When you first went to work, did the position  
that you held when you left exist?

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A Yes.

Q It did. Who held it?

A The position?

Q Of safety supervisor?

A That I can't answer. I don't know.

Q Okay. Within your position as a safety supervisor, did you have responsibilities that were different from the safety specialists?

A Not different, but probably in addition.

Q Okay. Tell me what they were in addition.

A I guess the only thing that really separates it is that you're -- you're not out in the field as much as the safety specialist. So you'd be again, answering the questions of the -- from the client or from whomever while you were in the office. So, it would be the primary, you know, you boil it right down to it. You know, that's probably the primary difference. You're taking care of the questions that are presented to the office, because you're the guy in the office. Otherwise, you're, you know, still go out in the field and do the same sampling and same testing, same walk downs, everything is identical to the safety specialist.

Q Those activities that you just described, sampling, testing, walk downs --

A Uh-huh (affirmative).

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Q Was that your primary role or was your primary role in  
2 the office?

A Primarily it would be in the office.

Q Okay. And when it is that you would do this sampling  
5 testing and walk downs?

A It could be at any given moment. Any -- any -- no set  
7 time or schedule.

Q Would it be at the request of whom?

A It could be at the request of the client, it could be  
10 at the request of upper management, it could be at the  
11 request of one of the safety specialists, it could be  
12 at the request of one of the department managers.

Q And would it be done because the safety specialists who  
14 ordinarily would be there, would not be available?

A That would be one reason, yes.

Q Okay. Would you do it for there were a problem? Would  
17 you be called out specially if there were some sort of  
18 a problem?

A Can you explain that a little bit? I mean, if there's  
20 some sort of a problem -- what?

Q Well you said that it might be at the request of the  
22 supervisor -- the line supervisors in the field?

A Yes, if -- if there's a -- god the reasons are infinite  
24 why you might be called to go out and do something.

25 But -- and a for example would be the client's methane  
meter's not giving them the correct reading. Can you

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1 come out and confirm with a different meter, the two  
2 meters are in sync. I mean, it could be anything.

Q Okay. And who would call you under those  
4 circumstances?

A Again, it could be the client, it could be the -- the  
6 department heads, it could be the -- another safety  
7 specialist, it could be a crewmember. Anybody, any  
8 employee could call me.

Q Okay. Are you doing that as a back-up to these people  
10 or as a substitute when somebody else isn't available  
11 or --

A2 Both.

Q3 Both. Okay. All right. And this -- the amount of  
14 time that you did these kinds of activities was what?

A5 I don't know. At random, it could be on a daily basis  
16 some shifts on the Slope or it could be a weekly basis.

17 Some weeks maybe not at all.

Q8 Intermittent?

A9 All over the board.

Q0 But is that accurate that it would be intermittent or  
21 on an as-needed basis as opposed to that being your  
22 first responsibility?

A3 Oh, I think that was a primary responsibility was not  
24 office work, but a primary responsibility would be to  
25 make sure that everybody in the field is taken care of  
before the paperwork is taken care of in the office.

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1 So, if you wanted to assign priorities, the field work  
2 would come first and then everything else would be  
3 secondary.

Q Okay. Within the assigned activities that you were  
5 doing though, how often would you have to exercise this  
6 as compared with the office work that you also had to  
7 do?

A I can't put it -- I mean, I don't know how to better  
9 explain it than it was just at random.

Q Okay.

A It was all over the board. Some -- some hitches it  
12 would be daily. You know, other hitches it would be  
13 zero so --

Q Okay. There was -- let me see if I can find that. One  
15 of the projects that it looked like you were assigned  
16 to early on was to rewrite some sort of a policy  
17 handbook, is that jogging your memory? Can you tell me  
18 what that was?

A Yes, the department was a whole, we all chipped in and  
20 tried to rewrite the policies, procedures and  
21 guidelines manual. We all took different sections of  
22 it. That thing's a huge document. I forget how many  
23 pages. No, it wasn't complete when I left. So, I  
24 don't know if it ever got finished, but it's a big  
25 document.

Q Were you the point of coordination for that document?

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A Yes, I was the guy that was taking everybody's papers  
2 and putting them in the notebook, so --

Q Did you write some procedures for different policies?

A It's possible. Either wrote them or rewrote them.

Q Okay. NORM testing -- is this an example of something  
6 that you would have been responsible for putting  
7 together procedures?

8 MR. COVELL: G-12. So who's Norm?

9 (Deposition Exhibit G-12 marked)

10 MS. ZOBEL: NORM is the Naturally Occurring  
Radioactive Material.

12 MR. COVELL: Oh, okay. I thought it was one of  
13 the other specialists. So -- okay.

A4 This is just a memo that's breaking down what PAI sent  
15 to everybody.

Q6 (By Ms. Zobel) And PAI is Phillips Alaska?

A7 It's Phillips Alaska, yes. So it's just.....

Q8 They were the client?

A9 .....the client, yes. This just came from the client.

20 This just summarizes what -- what the heck was his  
21 name? Sanchez -- Tom Sanchez put this together so I  
22 just put this together and passed it along to everybody  
23 in the -- in the department.

Q4 Now here's the actual testing and procedure. Did you  
25 not write this procedure?

A Yes. Yes, I did. I just copied what came off of here

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1 and threw it right in here, but this -- there was NORM  
2 testing and procedures. I mean this manual existed  
3 before and this is just another iteration -- an update  
4 if you will. It should have taken place long before we  
5 got there but it didn't so we were trying to update it.

6 MR. COVELL: And that's marked G-13.

7 (Deposition Exhibit G-13 marked)

8 (By Ms. Zobel) Okay. You said you took what was in  
9 this one, meaning G-12?

10 This -- yes. I took what was passed down from Tom  
11 Sanchez' PAI, regurgitated that in the memo G-12, and  
12 then took it and cut and pasted into the 2002 HEST and  
13 P and P manual, G-13. So the verbiage should be.....

14 Well I don't see on G-12 where it says how to do the  
15 calibration or what the action levels were, et cetera.

16 That just comes right off of the -- the Ludlum meters  
17 operators manual.

18 Okay.

19 Yes, there's his name -- Diane Kobayashi and Tom  
20 Sanchez.

21 Okay. So let me see if I can track the procedure you  
22 did. Somebody comes in and says to you we're going to  
23 start doing this testing and procedure?

24 Uh-huh (affirmative).

25 Is that correct? In this case the client said we're  
going to do NORM testing?

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A That's correct.

Q And then what would your role be in that procedure?

A If they ask me to do the NORM testing I would go to  
4 Diane Kobayashi or Tom Sanchez and pick up a Ludlum  
5 meter and all the calibration instruments and sources  
6 that go with that meter, and then I would take it out  
7 to the field following this direction here.

Q I think you're misunderstanding my question. I'm not  
8 asking you if you did NORM testing, I'm talking about  
9 what you -- when you interface with these people and  
10 they said we're going to do NORM testing, then your  
11 responsibility was what -- to communicate it to the  
12 other people, to get them a procedure to follow? What  
13 was your responsibility?

A5 To say okay and follow the client's direction.

Q6 But you wrote this?

A7 Yes, this is just one section of many that go into the  
18 overall P and P manual.

Q9 Okay.

A0 But this is -- did I develop all these levels and  
21 action levels and what to do with the source and all  
22 that? Absolutely, not. This is just a regurgitation  
23 straight from the Ludlum meter instructions.

Q4 Okay. But you went to the instructions, you found  
25 them, you set up the procedure -- you put it together  
as a procedure for people to use?

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A Yes, except for the action levels which were set by  
2 PAI.

Q Okay. All right. So if I'm understanding you, and  
4 correct me if I'm wrong, the client came to you and  
5 said, we're going to start doing this NORM testing?  
6 You then got the resources, you found the information  
7 that was needed to comply with what they wanted, you  
8 put it in a procedure that went into the manual, and  
9 was disseminated to the employees, is that correct?

A0 Yes.

Q1 Okay. Would this have been a similar process in doing  
12 a -- this is a suspended personnel platform lifting  
13 procedure form, did you develop this?

A4 No.

Q5 Who did?

A6 It was Don Chenault did this one.

Q7 Okay. It's out of your folder, it looks like.

A8 Yes, because I was taking everybody's items and  
19 assimilating them into one location.

Q0 Okay.

21 COURT REPORTER: G-14 marked.

22 MR. COVELL: Yes, ma'am.

23 (Deposition Exhibit G-14 marked)

Q4 (By Ms. Zobel) When you got a section like this from  
25 somebody else, did you read them over, and check them  
over for accuracy?

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A Yes, we all swapped back and forth. I mean, there was  
2 -- I don't know -- recall right offhand how many  
3 different sections there are of this thing. It's a  
4 huge document. So every time somebody would develop  
5 more, we'd all take turns redlining it for each other.  
Q I saw a -- I don't know where it is now. I saw a memo  
7 that you sent out to people about the procedure of  
8 putting together this manual, and you noted in that  
9 manual -- in that thing, that this was going to be a  
10 quote daunting task, is that an accurate description of  
11 what you believe this task was?

A2 Yes. It was a huge task, absolutely.

Q3 What was the goal, what were you doing?

A4 This.....

15 MR. COVELL: Object. Just as to where and when  
16 what his goal was, okay?

17 MS. ZOBEL: Putting together this manual --  
18 what was his role in putting together this manual?

19 MR. COVELL: I'm sorry, you said role?

20 MS. ZOBEL: Yes.

21 MR. COVELL: I thought you said goal, so --

22 MS. ZOBEL: No.

23 MR. COVELL: I have hearing loss, sorry.

24 MS. ZOBEL: That's fine.

25 MR. COVELL: Okay. Go ahead.

A My role is simply to get an updated policies and

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1 procedures manual for the company.

Q As it applied to safety?

A Yes, it's just strictly safety -- it's, again, it's a  
4 regurgitation of the federal and state and applicable  
5 Slope work procedures as they apply to OSHA  
6 regulations. And it's been done before. This was just  
7 updating a previous version that hadn't been done for  
8 years.

Q And this would be because of changes in regulations and  
10 procedures that were followed except for.....

A1 Sure.

Q2 Okay. And what percentage of your time do you think  
13 you dedicated to doing this?

A4 A lot at the end. I mean, we were all working  
15 feverishly to get this thing together. I spent a  
16 significant amount of time before I was let go, working  
17 on this document, you know, as we all did so --  
Q8 Comparing your work with the people who were the safety  
19 specialists, were you spending a larger amount of your  
20 time doing this than they were?

A1 Not necessarily, no.

Q2 So, they -- we had safety specialists and you spending  
23 as you described it a huge amount of your time doing  
24 just this?

A5 Correct.

Q Okay. And your job what -- within the grand scheme of

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1 things was to coordinate it all?

2 Yes. I was the point of contact to take it all and get  
3 it electronically into one spot and then, you know, I  
4 just had 3-ring binders, so I'd grab them and throw  
5 them in there and assemble everything -- get it in one  
6 spot.

7 Did you assign particular areas to different people to  
8 develop?

9 I don't think I assigned them, I think we all just kind  
10 of said hey, I'll do this, I'll do that, we all just  
11 kind of went our merry way. I don't think there was  
12 any -- there was no master list that said you were  
13 going to do this, and you're going to do that so --  
14 I'm looking at the exhibits that we marked as -- your  
15 change out notes.

16 Okay.

17 MR. COVELL: It might be 8 -- 7, I believe is  
18 what you're referring to, 12001 is really --

19 G-7.

20 MR. COVELL: Yes, G-7.

21 G-7.

22 (By Ms. Zobel) Yes.

23 Okay. G-7.

24 On Job 624 on page 4 of 5. It refers to you -- the  
25 second line, that you finalized the manbasket lifting  
requirements?

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A Okay.

Q Tell me what you did with that?

A I honestly can't remember. Obviously, let's see here,  
4 it was a section of the manual we've just been talking  
5 about. And all -- everybody's comments were in. No  
6 more comments to add to that section. So, I just put  
7 it -- put it in the electronic version located in that  
8 electronic folder and is the hard copy attached here?  
9 No.

Q0 And I'm looking for them right now.

A1 Yes, there was a hard copy there somewhere so --

Q2 Okay. Is that a section that you would have written  
13 yourself or is it somebody else -- you just took  
14 somebody else's project?

A5 It would have just been, again, just a regurgitation of  
16 what was done before and what comes out of the OSHA  
17 requirements and what was already in place.

Q8 So you were taking the OSHA requirements and updating  
19 it?

A0 No. I wasn't updating the OSHA requirements.

Q1 No, this manbasket procedure in the context of update  
22 -- were you updating it using the new OSHA  
23 requirements?

A4 Yes. And probably the new Slope requirements and  
25 anything else that wasn't applicable to how work was  
currently being done.

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Q And then going now to the next Job 625, it says I've  
2 been discussing the need for an improvement in the  
3 rescue response available to personnel working at the  
4 wash bay?

A Yes.

Q Okay. Was this something that you worked on, getting a  
7 change in the procedure?

A Yes, I tried getting a change in the -- in the  
9 procedure with the client from about the first week I  
10 worked Kuparuk.

Q1 Were you ever able to effectuate that?

A2 Negative. Never could.

Q3 Okay.

14 MS. ZOBEL: Let's go off record. Let me get a  
15 little organized.

16 (Off record)

17 (On record)

Q8 (By Ms. Zobel) Did you do guidelines for such things  
19 as recording and reporting spills?

A0 Yes.

Q1 Okay. And is that some sort of -- where did you get  
22 the guidance for writing those guidelines?

A3 It would have been a combination of materials that were  
24 previously in place. It would have been current  
25 company activity, I guess you'll call it, and then the  
CFR's.

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Q Okay. When the OSHA requirements changed, in terms of  
2 reporting, that was in 2002, just to refresh your  
3 recollection and I think the record will show that. Do  
4 you recall being responsible for anything, company wide  
5 with regard to that, or at least at Kuparuk, not  
6 company wide?

A I don't recall any specifics, but certainly there was a  
8 changing of recording methodology between the OSHA 2000  
9 log and the OSHA 300 log. So, whatever -- whatever  
10 accompanied that, I'm sure that we all got on the  
11 bandwagon with --

Q2 All right. This is document 1826.

13 MR. COVELL: It's got a G-15 on it.

14 (Deposition Exhibit G-15 marked)

A5 Let's see, Tom Sanchez.

Q6 (By Ms. Zobel) Are these your notes?

A7 Yes, it looks like my handwriting.

Q8 Okay. It's -- it shows down here at the bottom, it  
19 says research if we need to update the DASH 200 for  
20 2001 based on the 2002 dash 300 requirements. Is that  
21 something that -- tell me what was going on there?

A2 I think we just talked about that. It would have been  
23 the difference in the 200 log DASH -- DASH 200.

Q4 Actually, I think its DASH and not dash. It would be  
25 the reporting forms.....

A It would be the reporting forms.....

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Q .....for it. Right.

A Right. Yes, I -- it's just a note to myself it looks here. These are all just notes to myself just saying there's -- there's obviously going to be some changes.

I guess i just needed to know what they are so it's just a note to myself saying --

Q That's something that you needed to do?

A Yes, I need to probably look into that.

Q And did you look into that?

A0 I'm sure I did, yes.

Q1 Okay. And would you have then informed others of your findings that -- how they needed to operate with that?

A3 Perhaps, maybe not.

Q4 We mentioned a minute ago the spill reporting and recording guidelines.

A6 Uh-huh (affirmative).

Q7 Is that in your document that you did?

18 MR. COVELL: G-16.

19 (Deposition Exhibit G-16 marked)

A0 Yes, that's one I did.

Q1 (By Ms. Zobel) Okay. This is -- let me give you this action item. You guys seemed very organized. You had all kinds of spreadsheets, it looked like, is that right?

A5 Tried to.

Q Yes.

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1 MR. COVELL: G-17.

2 (Deposition Exhibit G-17 marked)

Q (By Ms. Zobel) Were you the one who created these --  
4 Action Item Logs?

A No. I don't -- no.

6 MR. COVELL: Just for the record, this in the  
upper left says log initiated by Doug Smith.

A Doug Smith.

Q (By Ms. Zobel) Okay. And it shows you as having some  
10 assignments, is that correct? It says responsible  
11 person. Tell me what you were responsible to do?  
A2 Gilbert is the second line. Okay. So, put medical  
13 files into PDF format and reduce paper for staying on  
14 site. At one time there was a push to put -- make  
15 everything electronic because the paperwork was just --  
16 but it was a mountain of paperwork to handle. So, we  
17 at one time discussed trying to make everything  
18 electronic. So, we would scan all of the documents in  
19 and then keep an electronic version but I don't know if  
20 that flew because the requirements of recordkeeping --  
21 recordkeeping requirements that OSHA used.

Q2 Look at number three, is the one I'm referring to.

A3 Put together summary of IMED/APC interface and process  
24 of injury management and occupational -- put together  
25 summary.

Q It says need process written up, is that something you

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1 did?

2 If I did, I don't recall. I don't know what that's all  
3 about.

4 It's says an interface between the new OSHA  
5 requirements and....

6 IMED is the -- one of the medical providers up there on  
7 the Slope. So it would have been --

8 But it goes on to say process for injury management and  
9 occupational health.

10 I don't know.

11 You don't recall what you did?

12 No, I don't.

13 All right.

14 MS. ZOBEL: That was exhibit what?

15 MR. COVELL: Exhibit 17, that I had.

16 (By Ms. Zobel) Do you ever write JVA's for people for  
17 hiring?

18 Not that I recall.

19 MR. COVELL: I guess for the record, what's  
20 JVA?

21 MS. ZOBEL: A job vacancy announcement.

22 MR. COVELL: Okay. There we go. Thank you.

23 MS. ZOBEL: You've got to know the lingo.

24 MR. COVELL: MBA I know.

25 (By Ms. Zobel) Among the meetings that you attended, I  
showed you the one that was a staff meeting.

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A Uh-huh (affirmative).

Q And then we talked about safety meetings that were  
3 within the department, were there other meetings that  
4 you would attend, such as a supervisor meeting?

A There was a Phillips meeting, I think they called it  
6 the supervisors' meeting.

Q Okay. And who would be asked to attend those?

A Oh man, the list could be long there. It could be  
9 everybody from Phillips.

10 (Deposition Exhibit G-18 marked)

Q1 Okay. This says distribution: all superintendents,  
12 supervisors, and construction managers.

A3 Okay.

Q4 Okay. So that would be the people who would be  
15 expected to attend?

A6 Yes, and amongst others, you know, so --

Q7 Okay. You wouldn't have attended these as a safety  
18 specialist, would you?

A9 It's -- it's possible you could have attended as a  
20 safety specialist, yes.

Q1 It wasn't the expectation though? You were -- it was  
22 a.....

A3 Correct.

Q4 .....supervisor's meeting?

A5 Correct. But there again, if there was a need for  
somebody to be in there to go over a safety item, then

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1 there would be a specialist there so --

Q Okay. No, I'm talking about as a regular participant  
3 in the meetings and not on any.....

A Correct.

Q .....specific need? Okay. And the action item list  
6 and the sidebars to action item list, these are things  
7 that would be discussed, examples?

A Uh-huh (affirmative). Yes.

Q Okay.

10 MS. ZOBEL: What exhibit number was this?

11 COURT REPORTER: G-18.

12 MS. ZOBEL: Thank you. This is going to be

Q319. Oh, you're having to get creative.

14 (Deposition Exhibit G-19 marked)

15 MR. COVELL: Yes, this one's going vertical.

Q6 (By Ms. Zobel) Okay. Tell me what this is?

A7 Let's see. I honestly don't remember what this is.

Q8 Okay. But have you seen this form, an Incident  
19 Investigation Follow-up Report?

A0 Yes, it doesn't look familiar to me, but obviously my  
21 name's on it, so.....

Q2 It -- go ahead.

A3 It appears to me that it's something that was probably  
24 instigated. I think recalling back, Phillips had a  
25 change in how they wanted things classified when there  
was an incident. And so it looks to me like it's some

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1 type of a follow-up report on that.

Q Okay.

A Let me see if I can figure this out. So it looks there  
4 was an injury somewhere that Phillips reported to me  
5 and I had to resp- -- reply to that in some manner  
6 and --

Q With recommended remedial action?

A Yes.

Q Okay. At some point while you were working as a safety  
10 supervisor, was there a determination made to change  
11 the safety specialist to hourly employees from a day  
12 rate employee?

A Well there was certainly discussion, but no changes  
14 were in effect.

Q You didn't work with Doug Smith in coming up with an  
16 evaluation of what the hourly rate would be for the  
17 safety specialists?

A We all worked to come up with numbers for a change from  
19 day rate to hourly. All the safety specialists and  
20 Doug and myself and -- but those didn't go into effect  
21 until -- apparently, after I left.

Q Okay. Are these some more of your notes?

A Yes, they are.

Q (By Ms. Zobel) Okay. Tell me what that first note  
25 says? What exhibit number are we on?

MR. COVELL: G-20, I believe.

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(Deposition Exhibit G-20 marked)

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MS. ZOBEL: Okay. G-20.

Let's see. It says, hourly transition from day rate, has a copy of -- has a copy of labor laws.

(By Ms. Zobel) Did you review the labor laws with regard to classification of individuals?

I don't believe I ever did. It's possible that I looked at -- it's possible that I looked at a labor law book up there, but I'm not sure of that. It's possible.

Okay.

I think I remember one laying around up there.

Well what was going on? Tell me what was happening?

There was just a shift going. They were talking about moving guys from day rate to hourly rate and what that -- what that number would be, you know. How to calculate that number? How do you go from a day rate to a -- to an hourly rate?

Okay. At the time that this was going on, did you at any time talk to Mr. Smith or anybody else about whether or not your own position ought to be made hourly as opposed to paid on a day rate?

Yes. Oh, yes, everybody was included.

But you were a safety supervisor?

True.

Was your job included in being looked at for hourly?

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A Yes, as far as I recall.

Q Okay. And tell me what you recall as the discussions  
3 of that?

A The main point of discussion was just how to come up  
5 with the number. I mean, when you're transferring  
6 everybody from day rate to hourly rate, how do you do  
7 that? What is that conversion?

Q And did you do such conversion with regard to your own  
9 rate -- your own job?

A I did conversions, yes.

Q For your day rate at 475?

A I believe, so. I should have, yes.

Q And where are those calculations?

A Should be in your information there.

Q Is that some of the material that was given us in  
16 production?

A I don't know. I'd have to look. Off the top of my  
18 head, I don't know. I.....

Q Do you have copies of them with you?

A Perhaps. This is all the same stuff that you guys  
21 have. So -- just give me a second and I'll look.

Q Okay.

23 (Off record)

24 (Deposition Exhibits G-21 and G-22 marked)

25 (On record)

Q (By Ms. Zobel) We've premarked Exhibit G-21 which you

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1 pulled out of your notebook. Tell me what this is.  
2 Just a proposed hourly rate conversion from day rate to  
3 hourly rate and also shows the proposed overtime rate.  
4 Okay. Now, everybody is listed as a safety specialist,  
5 all the hourly rates.  
6 Uh-huh (affirmative).  
7 When did you do this?  
8 I didn't do this.  
9 Who did this?  
10 I -- I think maybe Doug did it, I don't know. I have  
11 no idea for sure who did it.  
12 Who's writing is this that's listed all the people?  
13 I can't tell you that either for sure.  
14 All right. But it doesn't include a safety supervisor  
15 position?  
16 No, it does not.  
17 But you had an assumption that this would -- that you  
18 would be changed over also to an hourly rate?  
19 Yes.  
20 MS. ZOBEL: Let's go off the record.  
21 (Off record)  
22 (On record)  
23 (By Ms. Zobel) Tell me what conversation or what  
24 information you had that led you to believe that you  
25 would be transferred to hourly as opposed to staying on  
the day rate?

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A There was just multiple conversations about changing  
2 everybody from day rate to hourly rate and it went on  
3 for several hitches on and off and -- and as I  
4 understand it now they have flopped everybody to day  
5 rate, but that was after I left or to hourly rate after  
6 I left. But there was just multiple conversations of,  
7 you know, we're going to go to hourly rate and, you  
8 know, what is your hourly rate going to be? And then  
9 this is the last piece of paper that I have in regards  
10 to that so --

Q1 Who were those discussions with?

A2 Myself and Doug, and also all of the safety  
13 specialists. And the -- well, I guess, the admin gals  
14 were already hourly, I believe.

Q5 And you understood from some source that that included  
16 your position as safety supervisor?

A7 Correct.

Q8 Can you recount for me any specifics of discussions  
19 that you met with anybody about your job being  
20 reclassified?

A1 The only -- the only conversations I particularly  
22 recall are ones Doug and I had about how -- how you  
23 come up -- what is the actual conversion from day rate  
24 to hourly rate, and what would that mean for everybody  
25 in the department and so that's this -- this was the  
final hourly number.

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Q But do you recall having any discussions with him over  
2 why your job would be reclassified or if your job  
3 specifically would be reclassified also?

A Nothing -- no, I do not.

Q Okay. And is it just that you made an assumption or  
6 did somebody say you're going to be hourly too?

A It was just assumed we're all going hourly -- the whole  
8 department so --

Q Okay. I'm looking at a 02/19/03 staff meeting, which  
10 is already marked as Exhibit G-22 and it's -- the date  
11 of the staff meeting, can you tell us that?

A 12 02/19 of '03.

Q 13 And you were still a safety supervisor at that point,  
14 correct?

A 15 Correct.

Q 16 Okay. Now it says change from day rate to hourly,  
17 March 1st. Is that March 1st, your note?

A 18 No, these are not my notes.

Q 19 These are not your notes?

A 20 That's correct.

Q 21 Do know who's they are?

A 22 I do not.

Q 23 Okay. Do you see where it says, overtime  
24 authorization?

A 25 Uh-huh (affirmative).

Q And it says if not a call-out must have supervisor

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1 approval?

A Okay.

Q Were you one of the people who would give approval for  
4 somebody working overtime?

A Negative. No -- no, not to my knowledge because nobody  
6 went to hourly -- nobody went to hourly rate while I  
7 was employed there.

Q That's your recollection?

A Yes, it's my recollection.

Q Okay. Did you ever contact wage and hour department  
11 either the state or the federal to have a discussion as  
12 to whether you should be paid on an hourly basis with  
13 overtime?

A Myself, personally?

Q Yes.

A Not that I recall, no.

Q Did you have conversations with anybody who had had  
18 such discussions?

A Not that I recall there either.

20 (Off record comments)

Q (By Ms. Zobel) I'd like to talk about some of the  
22 specific programs that you were involved in just from  
23 the documents that I've pulled out and have you tell me  
24 about them. And we will start with (off record  
25 comments) lead program sampling.

MR. COVELL: All right. This will be G-23.

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(Deposition Exhibit G-23 marked)

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(Off record comments)

(By Ms. Zobel) This is from John Gilbert to the HEST Department. Okay. So tell me what you're doing here?

Let's see. Oh let's see here if this comes back to me.

It looks like it was probably a kind of summary of how Phillips Kuperuk wanted us to perform our lead sampling to --I think the first line under specifics, it probably said Diane Kobayashi will determine proper sampling method and amount of sample needed per the method.

She was Phillip Alaska?

She's Phillip Alaska's Industrial Hygienist.

Okay.

Or ways, I don't know if she still works there or not but --

Look at the first paragraph. It says that there was a brief meeting between somebody, yourself and the client present by phone.

Yes.

To discuss the systematic approach to sampling of lead.

Uh-huh (affirmative).

Then it looks like if -- am I not correct, that you had certain responsibilities that you were going to do certain.....

Yes.

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Q Develop certain things?

A Yes.

Q And such as a matrix for the sampling?

A Let's see. Yes, this was -- what this was, and it's coming back to me now, this is a summary of what Diane wanted us to do for our lead sampling because the current method that we had to take care of the lead sampling recordkeeping and all that was not very good and they came down looking for some type of sample analysis and I think they talked to Don Chenault about that. And when Don showed them they were not happy with -- so, we all got together and it probably says somewhere in here too, although blanked out that Sam Taylor, myself and probably Jim Dickey were involved in this conversation and she basically just told me what she wanted and this is a regurgitation of that particular meeting. And I wrote it down so everybody in our department would know how it was to be done.

Q But you actually had to complete matrixes identifying places where the sampling would be done, et cetera?

A Actually that would to Don Chenault. Yes, Don did that, I didn't do that. But my name's down here so --

Q What did you.....

A Michael Davis did a lot of this though.

Q Why would your name be on here if it says John completed the matrix? Spreadsheet is located under

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1 your folder?

A Yes, I probably built the first one and then it went  
3 into this -- into the machine that Chenault took over  
4 like a good -- like all of the lead sampling, near as I  
5 can recall for the department. So I probably built a  
6 spreadsheet just like Diane wanted it, put it in the --  
7 yes, see I put it in the PAI lead management area so  
8 that they could access it. They knew exactly where it  
9 was it at so Diane could get to it and got it all set  
10 up and then Don and the rest of the guys took it over.  
Q1 Okay.

12 MS. ZOBEL: What's the exhibit number on that  
p3 please?

14 MR. COVELL: G-23.

A5 Twenty-three.

Q6 (By Ms. Zobel) Now, you said earlier in response to  
17 your question when we were talking about the manbasket  
18 project, and you -- or the manlift project, and you  
19 said that Chenault did that. Do you recall that?

A0 Uh-huh (affirmative).

Q1 Okay. Let's look at Exhibit G-7.

22 MR. COVELL: That's the change out notes again?

23 MS. ZOBEL: Yes.

Q4 (By Ms. Zobel) It says that you finalized the  
25 manbasket lifting requirements and modified the  
suspended personnel platform lifting procedures form.

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1 I think that's the one that you said that had been done  
2 by Chenault.

3 MR. COVELL: What are you on there?

4 MS. ZOBEL: I'm on page 300.

5 MR. COVELL: Okay.

6 Okay.

7 MS. ZOBEL: Under Job 624.

8 Okay.

9 (By Ms. Zobel) So, you would have, if I'm  
10 understanding that, you actually -- Chenault may have  
11 done the original but you then went in and modified it,  
12 or made changes to it?

13 He -- like I said, I was keeping the main electronic  
14 copy of everything. So then somebody would take a hard  
15 copy, make redlines on it, and give it to me. I would  
16 go in the electronic copy and just make those changes.  
17 And did you make the redlines on documents that people  
18 had done?

19 Yes, sure. We all did. We all looked at each other's  
20 documents to make sure that we were all in agreement  
21 with what was going to go in it, you bet.

22 Okay. We talked about the NORM testing. This is  
23 another piece of the NORM testing.

24 MR. COVELL: Exhibit G-24.

25 (Deposition Exhibit G-24 marked)

Q (By Ms. Zobel) This is Kuparuk NORM testing and

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1 reporting procedure. Did we look at this previously?

2 Is it a duplicate?

3 A It's a duplicate.

4 Q Okay. I'm sorry.

5 (Off record comments)

6 (By Ms. Zobel) Contract auditing classes and prejob

7 safety evaluations.

8 MR. COVELL: Exhibit G-25.

9 (Deposition Exhibit G-25 marked)

10 (By Ms. Zobel) Tell me what this is?

11 A Golly, contractors. [Witness reading to himself] I

12 have no idea what this is.

13 Q Did you do any kind of auditing for safety and

14 environmental testing?

15 A Let's see here. [Witness reading to himself] This was

16 something sent from PAI.

17 Q Uh-hum.

18 A Down to us.

19 Q Right.

20 A It says we had to get in compliance with PAI's

21 direction.

22 Q Okay. They're the client?

23 A They are the client. So this is the form that somebody

24 must have gave to me or handed out in a meeting and I

25 -- looks like I'm just trying to answer the questions

that they're asking there.

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Q Okay. And then having answered the questions with some  
2 no's and some question marks, did you later then go and  
3 bring the department into compliance with the auditing  
4 process?

A It's hard to say. This doesn't ring -- really ring a  
6 bell to me at all. This --

Q Would this have been within the scope of the type of  
8 work that you were doing though?

A Sure.

Q Okay.

A Let's see, what does it say here in the contract? This  
12 -- this may have even come from one of the PAI safety  
13 specialists and it could have come from anybody, I  
14 don't know who it came from. So, like I say, it  
15 doesn't ring a bell to me. I mean, did we have a  
16 follow-up on action items from cancelled prejudged  
17 safety evaluations? No, we didn't.

Q Let me ask a different question. Is this something  
19 that you would be using to audit another contractor who  
20 would be onsite besides APC?

A We didn't audit any other contractors unless we had  
22 subs working for us and --

Q Okay. So this is.....

A I mean they just presented us their approved safety and  
25 health plan, if that was the case and away they went.  
They went to work.

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Q Okay. Were you responsible for approving those?

A No. No.

Q Okay. So this would have been something that directed APC to come into compliance with the safety evaluation, safety environmental task assessments from PAI?

A That's the way it looks to me.

Q Okay.

A This -- this seems to me like it was just a question and answer form wrote down from PAI because they went through the -- let's see if I get this right. From Phillips to ConocoPhillips they had a meeting of, you know, a meshing of two companies or whatever you call it correctly during that period of time. There was a rewrite of their company policies. So that may be where that came from. I'm not sure.

Q And you don't recall if you did the assessment?

A Oh, I -- there'd be no assessment on our part. I mean, it's just.....

MS. ZOBEL: It looks like we've only got one piece of it. Let me show you these documents. This is the page that you had.

A Okay.

Q (By Ms. Zobel) And then there's training information, the job contractor evaluation regarding going through doing an assessment, the contractor root cause investigation process -- does any of this refresh your

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1 recollection?

A Not really. Sorry.

Q If it.....

A I mean, it's obviously my writing. But, I mean, I  
5 don't --

Q If, having done this assessment you found you were out  
7 of compliance with the client's requirements, was it  
8 your responsibility to then go back and fill in the  
9 blank on this or do whatever the compliance was needed?

10 MR. COVELL: Okay. Mr. Gilbert I'm going to  
direct you to listen to the question and answer the question.  
I know this material --

13 MS. ZOBEL: We found his notes. Yes.

A One more time please?

15 MR. COVELL: Let's stop here for a moment. You  
handed him a book that you have labeled as AES production  
16 volume two and you showed him pages numbered 887 through 893?

18 MS. ZOBEL: 886.

19 MR. COVELL: 886 through 893, all right. And  
then you're asking him a question as to those pages, or to  
20 additional.....

22 MS. ZOBEL: He can look at his own notes.  
These are his.

Q (By Ms. Zobel) I believe these are your notes, are  
25 they not?

A It looks like my writing, yes.

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Q On 894? Okay. And then there's more evaluation following that. Do you recall all of this?

A I -- I -- what jogs my memory is the fact that Joel's name is here and I think that Joel brought this down when he was still working for PAI -- Joel McAlister.

Q Okay.

A And said hey, you need to go through this checklist or hand this to Doug and go through this and make sure that, you know, you can answer this because this is going to be in some type of an audit that -- that PAI or ConocoPhillips was going to have on their subcontractors, APC, being one of them so --

Q3 Okay.

A4 It -- it may be that -- I mean, some of these are just blank, so it's --

Q6 And you identify the checkmarks in the mid-job contractor evaluation under water, for example, as being your writing?

A9 Correct.

Q0 So.....

A1 But I would have just taken these. To get the answer yes or no, or not applicable, I would have simply gone to our policies, procedures and guidelines manual and found out if we had something in there that matched that criteria.

Q And if you didn't, what would you do about it?

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A Inform him.

Q And then what would you have done about it after that?

3 Would he have directed you to correct it?

A He would have gave me direction one way or another,  
5 yes.

Q Okay. Do you recall any of that?

A No, sorry.

Q Okay. All right.

9 MS. ZOBEL: Here we go, staff meeting agenda.  
I promised you an agenda. Actually, I've got a whole slug of  
them.

12 MR. COVELL: Okay. We're running out of  
stickers madame clerk. That's G-26.

14 MS. ZOBEL: Go ahead and mark G-26 and G-27.

15 **(Deposition Exhibits G-26 and G-27 marked)**

16 (Off record comments)

Q7 (By Ms. Zobel) We had a prior discussion about whether  
18 or not you conducted the staff meetings?

A9 Uh-huh (affirmative).

Q0 And I've given you Exhibit G-26 and Exhibit G-27.

A1 Uh-huh (affirmative).

Q2 And Exhibit G-27, as I recall is a series of different  
23 meetings where you're listed as a facilitator, is that  
24 correct -- different dates?

A5 Twelve -- let's see, these all look -- okay. I have  
two of the same it appears.

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Q What date?

A 02/13 of '02.

3 MR. COVELL: 1479 and 1480.

Q (By Ms. Zobel) All right. And then 03/13 and 04/10?

A Yes.

Q Okay. Now, does that -- did you write the agendas for  
7 these meetings as a facilitator?

A No, this is not -- anyhow this is not a text or a font  
9 that I would use to type up anything. So, I didn't put  
10 this together.

Q1 You didn't put the topics together or the actual  
12 document?

A3 I didn't put the document together for sure.

Q4 How about all the other information?

A5 General information, yes. It looks somebody's coming  
16 tomorrow to buy.....

17 MR. COVELL: Just to be clear John, you're on  
Q8/13, APC479?

A9 Right.

20 MR. COVELL: Okay. Go ahead.

A1 And it looks to me like I'm just telling everybody  
22 what's been told to me. Let's see. It looks there  
23 might have -- like, for instance, the second bullet:  
24 There's been a questions about the transition from day  
25 rate to hourly rate. This will be discussed when --  
I'm sure it said when Doug gets back.

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Q (By Ms. Zobel) Okay.

A So I'm just regurgitating information to whoever's coming on shift at this point in time to let them know what's going on. Just a quick meeting to say, hey guys here's what's going on at this point. I'd be curious to know on 02/13 of '02, was I just coming on shift or just leaving or mid-shift or where was I?

Q Why does that make a difference?

A Well I'm thinking that reason this is put together was just to simply get everybody in one spot at one time and say here's what's going on guys and then I was probably on a plane out of there.

Q3 What about 1477?

A4 77. Again, this is not a form that I would -- that I would have made. So, I don't know where the form came from.

Q7 Now this one is heading Meeting Agenda. Is this something you would have put together as a facilitator?  
A9 My name's down as the facilitator, but I would not have made this form.

Q1 Would someone in admin have put it together for you?

A2 It's possible, but I wouldn't have asked them to do that. I mean, this is just not my style. I mean this is -- this is a premade deal that you go on there, you know, in Word and pull up a meeting agenda and it prints this stuff out for you. But it's not something

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1 I would use.

Q What about, starting on 1479 with the 02/13/02, is it  
3 possible that these are the minutes that were kept as a  
4 result of the meeting?

A It's possible.

Q Okay.

A Highly possible.

Q And that these were meetings that you facilitated?

A Well I just sat in and took meetings or something that  
10 was passed down to me from management or combination of  
11 sources and then I -- I just got everybody in the -- in  
12 the meeting and somebody took notes while we were  
13 talking, you know, to get everybody up to speed while  
14 we're here before I left or what have you before there  
15 was a shift change. It could be anything.

Q Well safety staff meetings, did you have them only when  
17 you had a shift change?

A No they.....

Q Or were they regular?

A .....were not scheduled in any -- we tried several  
21 times to get a safety meeting on, you know, we're going  
22 to have it on this day all the time by god. It never  
23 happened. So, they were just kind of hit or miss. We  
24 weren't very good at getting together as a group and  
25 making that up.

Q Okay. I'm going to show you your notes from your

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1 production and this is document 69 and it says that you  
2 had a weekly staff meeting?

A Weekly staff meeting -- O Wing, yes.

Q Okay.

A But that doesn't -- I mean we had a meeting, but --

Q It wasn't change out notes. You're there?

A I'm there. I'm it, yes. So that's the first day in.

8 Okay. So that's the first day in. So there would have  
9 been guys coming in with me. So a lot of these items  
10 would have been to regurgitate to the guys coming in so  
11 we'd all --

Q2 And 03/13, the same thing? This is at the shift  
13 change. You're having a safety meeting with the new  
14 crew that comes in on that tower?

A5 So this probably would have been with Doug was going  
16 off the Slope, so we had all been together -- got this  
17 all done at one time. This.....

Q8 Doug would be off Slope and you'd be conducting it in  
19 his place?

A0 That could be or he could be there and we're all in the  
21 same group. I don't know, it's hard to say.

Q2 Okay. Was it your responsibility when he was gone to  
23 conduct these meetings in his absence?

A4 I'm not sure of that either. It wasn't a steadfast  
25 thing. I mean the meetings were just hit or miss. We  
didn't have it went -- like I said before, we attempted

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1 on several occasions through the whole time I was on  
2 the Slope to set up meetings that happened here and  
3 here and here, but we were not very good at  
4 communicating to one another. The best thing we could  
5 do was the change out notes. So, very informal.

Q Okay.

A So, yes, my name's down as facilitator, but I could  
8 have just been regurgitating, I mean -- or somebody  
9 just put me down as facilitator because I was the one  
10 passing along the word so --

Q1 Well you ran the meeting. Is that what facilitator  
12 means?

A3 I'm not sure what the definition of facilitator means.

14 MR. COVELL: I'm going to object to compound  
question here. One, what the word means. The other one's what  
he did.

17 MS. ZOBEL: Okay.

Q8 (By Ms. Zobel) Next Exhibit G-27 is industrial hygiene  
19 air sampling, is that memorandum?

20 MR. COVELL: Ms. Zobel, I --

21 MS. ZOBEL: Am I on the wrong number?

22 MR. COVELL: This one's G-27.

23 MS. ZOBEL: G-28, you're correct.

24 MR. COVELL: So I have the February 10 as G-28.

25 MS. ZOBEL: You're correct. I've got one on  
top of the other.

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(Deposition Exhibit G-28 marked)

1

A Twenty-eight.

Q

4

5

A

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8

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10

11

12

Q3

A4

Q5

A6

Q7

18

19

A0

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25

(By Ms. Zobel) This is an Industrial Hygiene Air Sampling Event Memorandum, tell me what it is? That's the title on it.

Oh, let's see. This must have been -- let's see here.

This is something I probably worked up with Sam Taylor -- sent to Doug. It looks like I sent it to minor projects superintendents, probably also Phillips Alaska, amongst others I suppose. Exposure monitoring results, stainless steel cutting event, salt water treatment plant.....

So what happened, if you recall?

I actually don't recall.

Okay.

So, if I could just read it.

Well I'm not asking you to talk about the specific event. Tell me about your role that would be played when you had a sampling event.

It would be the same role as any of the safety specialists. If somebody asked me to go do sampling, I'd assemble all the material I needed to do the sampling and go do it. And then you follow through all the way to making sure that the data was sent to the laboratory and analyzed and when the data came back you recorded the events and if there was an overexposure

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1 then you called the employee in and notified the  
2 employee of the exposure and notified his supervisor of  
3 the exposure and notified Doug for sure of what was  
4 going on.

Q You've signed the report at the end, correct -- or at  
6 least your name appears on it?

A Yes.

Q Okay. Is this something that was unique to you as a  
9 safety supervisor or was it something that was also by  
10 the specialist, but you happened to do this one?

A1 It was done by the specialist, primarily, you know.  
12 But, again, we all took -- it's like we discussed  
13 earlier, if you needed to go do the sampling you would  
14 do it. This just happens to be one that I did. So, it  
15 looks like -- although this was definitely in  
16 conjunction with Sam.

Q7 Who is Sam?

A8 Sam Taylor, the IH, that we had on the staff.

Q9 Okay. But you don't know why.....

A0 It might have even been Don Chenault -- might even have  
21 been in on this one too. It was probably Dru (ph)  
22 Bedford, too.

Q3 Was this one fairly significant that you had so many  
24 people involved?

A5 It's hard to say. It doesn't ring a bell to me. I  
mean, we got three -- two guys here that we -- we

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1 sampled for and -- and obviously somebody up the ladder  
2 was asking a lot of questions, so this report got put  
3 together.

Q Okay.

5 MS. ZOBEL: Let's go off the record.

6 (Off record)

7 (On record)

Q (By Ms. Zobel) Okay. You were talking about what --  
8 we were trying to discuss what role you had in the  
9 safety staff meetings in terms of communicating  
10 information. And let's look at the February 13, 2002  
11 meeting -- senior staff meeting that you attended. Do  
12 you see where action management item number two says  
13 corporate wants all band-aid logs eliminated?  
14 Discussion revolved around what our options are?

16 MR. COVELL: Second paragraph.

A7 Yes, I see that.

Q8 (By Ms. Zobel) Okay. Now, look at document G-27, the  
19 second page, 1479.

A0 Okay.

Q1 And then it says, it's one of the bullets, the third  
22 from the bottom, it's a possibility band-aid log could  
23 be eliminated. It's being discussed with management  
24 currently.

A5 Yes, so -- it's just, I'm regurgitating what I heard  
here.

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Q Okay. So you attended one meeting and now you're.....

A Passed it along at the rest of the meeting.

Q .....reporting it back to the other -- to the staff?

A Yes.

Q Okay.

A Yes.

Q All right.

A Thanks for clearing that up.

Q Does that help you? It wasn't me. Okay. Now,

10 audiometric. What's audiometric?

A1 Audiometric.

Q2 Audiometric.

A3 Yes.

Q4 What is it?

A5 A hearing test.

16 MS. ZOBEL: This is an exhibit again. What  
number are we on?

18 MR. COVELL: G-29.

19 (Deposition Exhibit G-29 marked)

Q0 (By Ms. Zobel) All right. Audiometric Test

21 Documentation Procedures, did you put these together?

A2 I don't know. Let me take a look at it.

Q3 All right. It has your little desktop on it.

A4 No, actually I -- I didn't. This was a regurgitation  
25 of Woody McCoven's notes that he had on the front of a  
three-ring binder on how to do audiometric testing.

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1 And so instead of using his handwritten notes, I  
2 retyped it so it would be in the computer in one spot.

3 And then.....

Q Okay.

A And then filed it here on this O-drive. So, that was  
6 just a regurgitation of one of the training guy's  
7 stuff.

Q Okay. Is that a procedure that was then rolled out to  
9 the safety specialists to carry out?

A10 The safety specialists had always been doing it. It  
11 was all -- it's just a typed -- it's a retype of  
12 handwritten document that Woody made.

Q3 Okay.

14 MS. ZOBEL: I'm going to give you some action  
15 is this what I want? A memo from you.

16 MR. COVELL: G-30.

17 (Deposition Exhibit G-30 marked)

A8 I'll swap you. Okay. [Witness reading to himself]

Q9 (By Ms. Zobel) Tell me what this is?

A10 It looks like Gary Buchanan asked me to look over the  
21 2001 internal action log for the construction crew.

Q2 What's an action log?

A3 I couldn't tell you, it's been too long. I don't know.

24 Number 2 NEO Training present NEO training.....

Q5 Right.

MR. COVELL: You may want to --

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1 MS. ZOBEL: What.

2 MR. COVELL: Go ahead.

3 MS. ZOBEL: I asked him what the action log  
was.

5 MR. COVELL: Okay. And he said, I don't know.

6 MS. ZOBEL: Okay.

7 A Sorry. I.....

8 Q (By Ms. Zobel) Go ahead and tell me what you believe  
9 you were doing here. You were commenting for Gary as  
10 to having looked over the logs?

11 A I'm replying to Gary Buchanan that I looked over this  
12 log that he provided to me and he was -- he's obviously  
13 asked me to look it over and make comments, so that's  
14 all I'm doing here.

15 Q Okay.

16 A So it's.....

17 Q And Gary Buchanan was?

18 A The head honcho, the operations manager.

19 Q Okay.

20 A This is where we talk about the safety copy mentality  
21 and the voice of the safety department being  
22 inconsistent and new employee orientation training  
23 requirements, so --

24 Q And are you indicating here some places where there  
25 need to be improvement?

A I just think I'm stating my opinions.

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Q Okay. And he solicited your opinion?

A Yes, in this case he did here.

Q Okay. Do you have an opinion as to whether you spent  
4 more than 20 percent of your time in doing manual labor  
5 type activities?

A Twenty percent of my time doing manual labor  
7 activities? During my entire employment?

Q No, during your tenure as a safety supervisor?

A Probably did about -- it's conceivable I spent more  
10 than 20 percent of my time doing a manual -- manual  
11 work.

Q2 Is it likely, though?

A3 Yes.

Q4 And what would you define as manual labor that you  
15 would have done?

A6 Go into the field and -- and performing the field work  
17 or in the office performing, I guess -- I guess the  
18 question is what are we calling manual labor?

Q9 No, I'm asking you how you have defined it when you  
20 said the answer was yes?

A1 I guess, you know, data entry would be one -- one  
22 portion of that where you're just simply sitting down  
23 inputting data into a computer.

Q4 Give me another example of what you mean, data entry?

A5 Well all of the industrial hygiene sampling logs that  
we got, we'd have to -- we had a program so you'd have

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1 to sit down and take the raw data and sit down and type  
2 it in. You just transcribe it right off a written form  
3 and put it in the machine so you'd have an electronic  
4 record of it. So there was a lot of data entry. So  
5 that's kind of brain dead work. So I'd -- I'd say  
6 that's -- that's the majority of it right there. You  
7 know, it'd be some type of a data entry, some type of  
8 field work, assembling, calibrating instruments.  
9 That's all kind of manual labor. That's about it.  
Q0 We talked about you performing field work -- data  
11 entry, is this material that other people gave to you  
12 and you're doing entry or is this something you  
13 generated that you're inputting?

A4 Both.

Q5 Both. Okay. Are you -- are you doing summaries and  
16 correlations of these data when you're putting them in?

A7 No, it's all cookbook stuff. You just follow the --  
18 you know, the -- all the calculations that one would do  
19 are already done for you. You've just got to look them  
20 up in the book or in our particular case, excuse me,  
21 there's a computer program we had and it's all done  
22 there so --

Q3 Okay.

A4 You know --

Q5 All right. What was the third you said you did? Oh,  
calibrating instruments?

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A Uh-huh (affirmative).

Q And who else did calibration of instruments?

A Everybody did calibrations.

Q How is it that you would come to be doing calibrations  
5 as a safety supervisor?

A If you had to calibrate an instrument every time it was  
7 used. So, if somebody would call me to go do a permit  
8 then I would have to calibrate the instrument before I  
9 left the office as would anybody.

Q Okay. All right. So this would be in conjunction with  
11 the work that you did as a field worker?

A Sure.

Q All right. Tell me what the most responsibility was  
14 you had in your position as a safety supervisor?

A Just making sure somebody didn't get injured on my  
16 shift. So, it was just employee safety was the  
17 greatest responsibility.

Q And within the project that you worked on as a safety  
19 supervisor, which ones of those do you think were most  
20 important?

A I don't understand what you mean by projects.

Q Well tell me what some of the projects were you did as  
23 a safety -- in the office -- safety specialist --  
24 supervisor.

A The biggest time consumer would be just assembling the  
policy, procedures and guidelines document that we

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1 talked about.

Q Give me an example of other projects that you worked  
3 on.

A Oh, I assisted in the lead sampling program, and I  
5 assisted in the UA program, assisted in the  
6 audiometric, and the respiratory program. Assisted in  
7 the training program.

Q When you say assisted, was this in putting together  
9 policy?

A No, just, you know, actually performing the work. You  
11 know, in all cases like the -- every six months or  
12 every two years you'd have to come around and get  
13 reevaluated for your hearing and your respiratory.  
14 Don't quote me on the timeliness because I really don't  
15 recall exactly what the timeliness were.

Q So this is the administering of the checkouts for  
17 people?

A You bring the employee in, you pull out his file.

Q Uh-hum.

A You put him in the hearing booth, you put the goodies  
21 on him and give him a hearing test.

Q Didn't you contract that out?

A No.

Q Okay. And how about writing the procedures to be  
25 followed on any of these projects, lead sampling,  
respiratory, auditory?

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A Again, most of that stuff is a regurgitation writ- --  
2 either from the instrument manufacturer's operations  
3 manual or right out of the CFR, or there was something  
4 already in place that may not have been typed up and  
5 put in an -- an electronic format. It may have just  
6 been on a piece of paper in somebody's handwriting on  
7 the back of a three-ring binder. So, you know, we did  
8 a lot of organizing up there trying to get everything  
9 into something that looked a little professional, if  
10 you will. So, and my input went in as well as  
11 everybody else's into those programs so --

Q2 Is there any programs that you worked on that you don't  
13 believe were worked on by other safety specialists?

A4 Well no. I'm pretty sure that everybody got involved  
15 in the majority of things. So, we tried to bounce  
16 everything off one another. There's just simply too  
17 much activity going on up there for one guy to make a  
18 call unless its loaded down upper management.

Q9 And did Doug rely on you as his assistant to do these  
20 sorts of things?

A1 Myself, amongst others sure.

Q2 Okay. Did you were second below Doug and you would  
23 step up when he was gone, is that correct?

A4 Well I'm not sure I understand the word step-up but  
25 when Doug was gone it would be myself or one of the  
other safety specialists that would be so-called in

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1 charge when they -- when he left.

Q Well he weren't present, was somebody else in charge  
3 other than yourself?

A A lot of reliance was still funnelled to Ron Kirk since  
5 he'd been up there for so long even though he was not  
6 necessarily in -- he moved over to the safety  
7 specialist position at the -- the wash bay or the heavy  
8 shop and a lot of times they would just communicate by  
9 him by faxing so --

Q Okay. And was that something that -- well all right.  
11 But under the chain of command when Doug was gone it  
12 was your responsibility to take over his position, is  
13 that correct?

A That's correct.

Q Okay.

16 MS. ZOBEL: All right. Let's call it a day.

17 You want to cross?

18 MR. COVELL: Let's take five minutes.

19 (Off record)

20 (On record)

21 **CROSS EXAMINATION**

22 **BY MR. COVELL:**

Q Mr. Gilbert, you were asked some questions about  
24 interpreting data earlier by Ms. Zobel. I believe you  
25 gave an affirmative answer to that question, that you  
interpret data?

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A Yes.

Q Okay. When you were doing that, were you doing a  
3 process that would have been similar to analyzing or  
4 doing original scientific research where you might  
5 gather a bunch of data points, and then plot a bell  
6 curve or something of that nature?

A No.

Q Okay. Were you doing some type of situation where you  
9 might get data from the field and enter it either into  
10 an electronic program or a hand program and then come  
11 up with some results?

A2 Yes.

Q3 Okay. You were asked a question about exercising  
14 judgment. When you did your job did you have the  
15 authority to deviate from standards that were given you  
16 either in CFR, state regulations, PPC manual or company  
17 manuals or requirements?

A8 No.

Q9 Okay. In G-2 which was a job description, I saw the  
20 words risk assessments. Did you do something that you  
21 thought was a risk assessment?

A2 I don't recall having anything that said risk  
23 assessment, however, we may have gone out and looked at  
24 a job and said, geez fellas your scaffolding is not  
25 erected correctly and therefore you have to reassemble  
it.

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Q Okay. Would it be appropriate to call that identifying  
2 a safety hazard?

A Yes.

Q Okay. And would that be a duty of safety specialist  
5 when they did a walk down or an audit to identify a  
6 safety hazard?

A Yes.

Q You were asked some questions about whether or not you  
9 had a contract with APC, and I believe you indicated no  
10 to that question.

A1 Correct.

Q2 All right. Did you have -- whether written or not, an  
13 agreement with APC that you would work for them and  
14 they would pay you money for some amount of work?

A5 Yes.

Q6 Are there various pieces of paper that commemorate that  
17 agreement?

A8 Yes.

Q9 Okay. Did you have a specific correspondence with APC  
20 in that regard?

A1 I -- yes, I do. I did.

Q2 Okay. And when did that happen?

A3 That was before I went to the Slope.

Q4 Okay. And how did that transpire? Was that e-mail  
25 letter form, do you know?

A As I recall it was in a letter form they just sent me a

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1 letter of employment. As I recall it was from Michael  
2 Day and Ron Kirk.

Q Okay. And to your knowledge do you have that paper  
4 somewhere?

A I don't know. I'd have to look. I don't know if I  
6 have it or not.

Q Okay. Would it be your expectation that the company  
8 might have it in their file somewhere?

A Yes -- should have.

Q And that would be when you started out in '01?

A '01.

Q Okay.

A Yes.

Q All right. In the duties you undertook as safety  
15 supervisor when you were staying in the office most of  
16 the time, to differentiate what you did there from  
17 safety specialist, is it correct that you dealt with  
18 more paperwork, you answered more questions, you dealt  
19 with the injured more -- let me back up here and try to  
20 make this sound sensible.

21 MS. ZOBEL: And not to leading.

22 MR. COVELL: Okay.

Q (By Mr. Covell) All right. As a safety supervisor  
24 were the duties that you did different in volume versus  
25 types of duties from being a safety specialist?

A Yes.

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Q Okay. So is it right then that you say, did more  
2 paperwork, answered more questions, dealt with the  
3 injured more, and those types of things.

A Yes, that's correct.

Q Okay. All right. When you were -- how many  
6 secretaries were there -- the admin assistants?

A Just one.

Q Okay. Because there were two ladies listed on the list  
9 and they'd change out, right?

A10 Yes, and then one went away for good so --

Q11 Okay. And then for the off weeks did you have one  
12 or --

A13 No, actually we didn't. There was just Kim.

Q14 Okay. All right. There was that note in your daily  
15 log, something about helping somebody on a pad with a  
16 hose, do you remember that? You don't need to look.

A17 Yes.

Q18 Okay. The person that called you to that situation,  
19 was that a safety specialist or was that a client,  
20 meaning Conoco?

A1 It was -- it was not a safety specialist.

Q2 Okay.

A3 Client.

Q4 Did the safety specialist call you from the field to  
25 consult about doing the safety specialist job?

A No, the would have called me from the field to say, hey

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1 I need some help out here to do this particular walk  
2 down or there's too much activity I need another guy  
3 out here, or I'm going to this pad, you need to cover  
4 me on this pad. So, but there was, you know, those  
5 guys are all -- they're not coming to me as the expert  
6 in the safety field.

Q So is it fair to say, when -- even if you got called by  
8 a safety specialist, it was to be an extra set of hands  
9 as opposed to being somebody that would be instructing  
10 them what to do?

A1 Yes.

Q2 Ms. Zobel asked you a question about being a  
13 spokesperson. Were you the guy that got in front of  
14 the microphones and made press announcements?

A5 No.

Q6 When you said spokesperson or you answered  
17 affirmatively to that, what did you mean being company  
18 spokesperson?

A9 Again, your the lead man or the guy in the office, so,  
20 somebody's got to answer the questions from the  
21 department.

Q2 Okay. When a person is injured from a safety point of  
23 view concerning their medication, is one of the main  
24 concerns whether or not they're going to be on pain  
25 meds?

A That is a big concerns, yes.

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Q And why is that a big concern?

A Well obviously if they're on medications they may not be able to their job correctly and pose a greater danger to themselves or others if they're medicated.

Q Okay. In the change out notes in Exhibit G-7, is there anything that you addressed that you did in those notes that's any different than what a safety specialist would do?

A No.

Q When you talked about, you know, not being liked by the workers, not being liked by the company because you're a bad news man, so to speak and getting complaints from the field about a safety guy. When you got those complaints would you administer disciplinary act to the safety specialist?

A No.

Q What would you do with those complaints?

A Well I would call the safety specialist, and say, hey you're stepping on some toes out there and you really, you know, made some guys angry and, you know, you need to change your approach or I would refer a lot of it to Doug so --

Q In G-8, there was some questions about doing cost analysis I think about some scientific equipment. How often did you do something like that?

A Very infrequently.

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Q Okay. Off the top of your head can you recollect have  
2 done something like that otherwise?

A I might have done something similar to that, maybe two  
4 or three times the entire time I was employed.

Q Okay.

A At APC -- I don't know.

Q When you did that were you analyzing the cost benefit  
8 analysis to the equipment for company?

A No, I was just simply adding numbers, and here's what  
10 that cost and here's what this cost, and somebody else  
11 can make the decision as to whether it's a viable  
12 purchase option.

Q3 And as far as that equipment did you make a decision as  
14 to whether or not it was purchased?

A5 No, I didn't.

Q6 Do you know if that equipment was ever purchased?

A7 That particular equipment, I don't know. I think that  
18 was just a list of old equipment that we had. So, I  
19 know we bought some new equipment on and off throughout  
20 the time I was employed there so --

Q1 All right. In G-11 there was something about setting  
22 out costs. I think that was the \$4,000.00 to send off  
23 to analyze or whatever they were in Colorado and the  
24 lead paint or whatever it was?

A5 Yes.

Q How often did you do something like that?

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A Again, very infrequently.

Q All right. You were asked a question about being able to stop the work. Did you ever stop the work on a job?

A Yes.

Q How often did that happen?

A Again, infrequently. But maybe every other hitch up there you might run across a small job you had to shut down for just a short period of time.

Q Okay. Is it correct that under the health, safety scheme that APC has that any employee can stop a job?

A1 Yes.

Q2 At one point you were saying oftentimes as the safety supervisor you got called to the field and you said it could be daily down to zero. When you said daily, did you mean that you could be spending the whole day doing field work?

A7 It's conceivable you could spend the whole day doing field work. Sure -- yes.

Q9 Okay. Even in days you weren't doing field work, was the work in the office different than the work that the safety specialist did?

A2 No.

Q3 In regard to questions about writing procedures or rewriting procedures we talked about the NORM, the N-O-R-M which was --

A Normally occurring radioactivity material.

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Q Okay. You indicate in your questions that was a  
2 regurgitation or a cut and past of information that you  
3 had gotten from, I can't remember, either the company  
4 or some --

A PAI.

Q PAI, okay. And you took from one or two or three  
7 sources and wrote that up?

A That's correct.

Q As far as being asked about these various other memos  
10 concerning PPC which is policies, procedures and.....

A1 It's PPG.

Q2 PPG, okay.

A3 Policies, procedures and guidelines.

Q4 Guidelines.

A5 Yes.

Q6 When you were involved in generating revisions of  
17 those, were they done in the same manner as redoing or  
18 doing the NORM PPG?

A9 Oh, yes, definitely.

Q0 How much time did you spend in meetings?

A1 Not a lot. I don't know.

Q2 Okay. Would it be an hour a week, hour a month?

A3 It could. A couple hours a week.

Q4 Okay. In regards to G-25, all those pieces of paper  
25 with the checkmarks, and you indicated those were your  
checkmarks, was that based because some of those pages

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1 had notes in your handwriting?

A It looked like my handwriting, yes.

Q The G-27 exhibit, let me just find that.

4 MS. ZOBEL: Meeting agendas?

5 MR. COVELL: Yes, meeting agenda and then the  
meeting notes.

Q (By Mr. Covell) Are these the types of items that  
8 would be similarly addressed in change out notes?

A Yes.

Q Okay. And you indicated that at least on one of these  
11 days, perhaps the February 13, that was either an  
12 arrival or departure date for you, is that right?

A Correct. It could be the very next morning.

Q You were going to do it at shift, if you know?

A I think the 13th was a Wednesday, so it would have been  
16 -- I would have arrived on Tuesday evening and this  
17 would have been the first day I was on the Slope, I  
18 believe looking at the --

Q And just so I understand this, when you guys changed  
20 out, did you, like, change out a whole crew at a time  
21 or did you overlap so half the guys were there for a  
22 week?

A It's about 50-50. It's about half the guys there.

24 It's not just a complete rollover of the crew.

Q Okay.

A You have to have continuity so the word can get passed

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1 along there.

Q All right. Who was the boss in the health and safety  
3 department when you were there?

A Doug.

Q Okay.

6 MR. COVELL: That's all I have.

7 MS. ZOBEL: Just a couple.

8 REDIRECT EXAMINATION

BY MS. ZOBEL:

Q0 You didn't do change out notes with safety specialists,  
11 but rather your counterpart, is that correct?

A2 Well it's -- for a good majority of the time I didn't  
13 have a counterpart. So, a lot of times it would just  
14 be whoever was left over, like Bob Carrier, Ron Kirk,  
15 Robert.....

Q6 When you had a counterpart.....

A7 Yes.

Q8 .....the change out notes were for the counterpart, not  
19 for the safety specialists general consumption?

A0 Well, you know, yes. I mean if the safety specialist  
21 needed to see it, we did. I mean there was no set  
22 thing that says you can't see this.

Q3 But your intent was to change out with your  
24 counterpart?

A5 Whoever that might be, that's correct.

Q Okay. And if you were then getting there, getting

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1 change out notes and then having a safety staff  
2 meeting, it was for the purpose of informing people who  
3 were just coming in what had occurred while they were  
4 gone as well from a management standpoint, was it not?  
A Yes. It was an all inclusive meeting, so everything  
6 that went on was regurgitated to -- well, for instance,  
7 when I didn't have a change out partner, somebody, one  
8 of the safety specialists would come to me if Doug was  
9 gone and say, hey here's what's been going on. So, I  
10 would take that information, I'd pass it along to the  
11 rest of the guys.

Q2 Okay.

A3 Somebody had to be the go-between with the information.  
Q4 In this correspondence that you talked about with APC,  
15 prior to being employed.....

A6 Uh-huh (affirmative).

Q7 .....did it set out a specific number of hours straight  
18 time and overtime hours that you would be expected to  
19 work?

A0 That I don't recall. I'd have to find the paper and  
21 look.

Q2 Did it establish anything other than a day rate?

A3 I don't recall that either. It's -- I asked for and  
24 received a specific letter of employment. Prior to  
25 that there was going to be no paperwork whatsoever, and  
they said just get on the plane and come and I says

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1 (sic), no you guys need to send me something in writing  
2 that states that I have a job with you so --

Q Did it state that it was for a term certain, or was it  
4 just that you had a job?

A Again, I'd have to look at the paper, I haven't -- I  
6 haven't looked at.

7 MS. ZOBEL: I have no other questions.

8 **RECROSS EXAMINATION**

**BY MR. COVELL:**

Q0 All right. Just to follow-up on that; was, to your  
11 recollection, was the gist of the letter more  
12 concerning what your job duties were going to be than  
13 terms of employment time and money, or do you know?

A4 It was just simply, if I recall correctly it was just  
15 simply, this is a letter to inform you that you have a  
16 job with APC and come on up. So, again, I haven't --  
17 I'd have to go look for that.

Q8 You didn't want to get off the plane and hear who are  
19 you?

A0 Precisely.

21 MR. COVELL: All right. That's all I got.

22 (Off record)

23

24

25 \* \* \* **END OF PROCEEDINGS** \* \* \*

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S I G N A T U R E

1

2

STATE OF ALASKA )  
 3 ) ss.  
 THIRD JUDICIAL DISTRICT )

4

5

I, **JOHN D. GILBERT**, have read the foregoing  
 deposition and have made corrections thereto. Any and all  
 changes, explanations, deletions and/or additions to my  
 testimony may be found on the correction sheet(s) enclosed with  
 this transcript.

10

11

\_\_\_\_\_  
**JOHN D. GILBERT**

12

~~STATE~~ OF ALASKA )  
 ) ss.  
~~TH~~IRD JUDICIAL DISTRICT )

15

16

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of  
 \_\_\_\_\_ 2006, before me appeared **JOHN D. GILBERT**, to me  
 known and known to be the person named in and who executed the  
 foregoing instrument, and acknowledge voluntarily signing and  
 sealing the same.

20

21

22

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\_\_\_\_\_  
 Notary Public in and for  
 State of Alaska, at Anchorage  
 My Commission Expires:\_\_\_\_\_

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C E R T I F I C A T E

1 UNITED STATES OF AMERICA )  
 2 ) ss.  
 3 STATE OF ALASKA )  
 4

I, Jerri Young, Notary Public in and for the State of Alaska and Reporter with Metro Court Reporting, do hereby certify:

5 THAT the annexed and foregoing Deposition of JOHN D. GILBERT was taken before Cheri Tabor on the 31st day of May 2006, commencing at the hour of 9:07 o'clock a.m., at the Offices of DeLisio Moran Geraghty & Zobel, P.C., 943 West 6th Avenue Anchorage, Alaska 99501, pursuant to Notice to take said Deposition of said Witness on behalf of the Defendant;

9 THAT the above-named Witness before examination, was duly sworn to testify to the truth, the whole truth, and nothing but the truth;

11 THAT this Deposition, as heretofore annexed, is a true and correct transcription of the testimony of said Witness taken by Cheri Tabor and hereafter transcribed by her;

13 THAT the original of the Deposition transcript will be lodged in a sealed envelope with the attorney requesting transcription of same, as required by Civil Rule 30(f)(1) amended, that attorney being:

15 MS. PATRICIA ZOBEL, DeLisio Moran Geraghty & Zobel,  
 16 P.C., Attorneys at Law, 943 West 6th Avenue, Anchorage,  
 17 Alaska 99501;

18 THAT I am not a relative, employee or attorney of any of the parties, nor am I financially interested in this action.

19 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 19th day of June 2006.

20

21

\_\_\_\_\_  
 Jerri Young  
 Notary Public in and for Alaska  
 My Commission Expires: 11/03/07

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